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Martin Chittenden

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RECORDS

OF THE

GOVERNOR AND COUNCIL

OF THE

STATE OF VERMONT.

VOLUME VI.

EDITED AND PUBLISHED BY AUTHORITY OF THE STATE
BY E. P. WALTON.

MONTPELIER:
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THIRTY-SEVENTH COUNCIL.

OCTOBER 1813 TO OCTOBER 1814.

MARTIN CHITTENDEN, Jericho, *Governor.*
WILLIAM CHAMBERLAIN, Peacham, *Lieut. Governor.*

Councillors:

SAMUEL FLETCHER, Townshend,	FREDERICK BLISS, Georgia,
SOLOMON MILLER, Williston,	HORATIO SEYMOUR, Middlebury,
BERIAH LOOMIS, Thetford,	WILLIAM HUNTER, Windsor,
ELIAS KEYES, Stockbridge,	WM. C. HARRINGTON, Burlington,
DANIEL DANA, Guildhall,	GAMALIEL PAINTER, Middlebury,
JOSIAH WRIGHT, Pownal,	MARK RICHARDS, Westminster.

ROLLIN C. MALLARY, Castleton, *Secretary* until Oct. 26, 1813.
SAMUEL SWIFT, Middlebury, *Secretary* from Oct. 26, 1813.
JOHN PECK, Waterbury, *Sheriff.*

BIOGRAPHICAL NOTICES.

MARTIN CHITTENDEN, the second son of Gov. Thomas Chittenden, was born in Salisbury, Conn., March 12 1769, and graduated at Dartmouth College in 1789. He represented Jericho in the General Assembly 1790 and subsequently for eight years, and Williston two years; was Clerk of Chittenden County Court four years, and Judge ten; Judge of Probate two years; delegate in the Constitutional Conventions of 1791 and 1793; Member of Congress from 1803 to 1813, ten years; and Governor in 1813 and '14. He died Sept. 5 1840, in his seventy-second year, having been for about thirty years employed in public service.—Drake's *Dictionary of American Biography; Vt. Historical Magazine*, Vol. 1; Deming's *Catalogue;* and *Vt. Watchman & State Journal* of Sept. 21 1840.

MARK RICHARDS, born in New Haven, Conn., in 1760, represented Westminster in the General Assembly nine years, beginning in 1801 and receiving his last election in 1834; was one of the Council of Censors in 1806, Sheriff of Windham County five years in succession beginning in 1806, Elector of President and Vice President in 1812, Council-

lor in 1813 and 1815, Member of Congress 1817–1821, and Lieutenant Governor in 1830. He died at Westminster Aug. 10 1844, aged 84 years. —Lanman's *Dictionary of Congress;* Deming's *Catalogue;* and *Vt. Watchman & State Journal* of Aug. 23 1844.

Gamaliel Painter, born in New Haven, Conn., May 22 1742, was one of the first three settlers of Middlebury in 1773. "He was a plain man, slow of speech and of few words," "but he had sound judgment and common sense, on which his friends placed implicit and safe reliance. He had great wisdom—some would say cunning—in forming his plans and in adopting the means to execute them. Thus he became a leader in all important enterprises." To him, more than to any other one man, the town of Middlebury is indebted for its college, its first church, its village square, and the first mills; so he is recognized as "the father of the town." He had derived very little advantage from schools, but much from association with men of more learning and experience, so that he became an efficient public servant, and was honored for his patriotism and practical business qualities. July 5 1776 he was appointed by Congress a first lieutenant in Warner's continental regiment; and as the officers of that regiment consisted of "such as have served with credit in Canada," it is apparent that Judge Painter had served in the campaign of 1775. Drake states that he served as quartermaster and captain in the revolutionary army. He was the first delegate of Middlebury, having been a member of the Conventions at Dorset in January and September 1776, and delegate for Cornwall at Windsor in June 1777. He was the first representative of Middlebury in the General Assembly, in 1786, and for fourteen years in all. On the organization of Addison County in 1785, he was appointed Assistant Judge of the County Court, but he resigned that office before the term expired, for the purpose of being Sheriff, as he was in 1786. In 1787 he again became judge and held the position until 1795, when he was again elected, but declined to accept the office. He was Councillor in 1813 and 1814, coming in as a candidate of the Federal party, and going out with it in 1815. He died May 21 1819; and the Trustees of Middlebury College, to whom his estate was bequeathed, erected a monument over his remains.—Swift's *History of Middlebury*, in which see a portrait; Drake's *Biographical Dictionary;* and Deming's *Catalogue.*

Samuel Swift, LL. D., seventh of the fourteen children of Rev. Job and Mary Ann Sedgwick Swift, was born at Nine Partners [now Amenia,] N. Y., Aug. 2 1782, and graduated at Dartmouth College in 1800. He was tutor in Middlebury College 1801 to 1803, and a member of Addison County bar as early as 1808, and probably earlier. He opened a bookstore, and from Sept. 1812 to Sept. 1816 edited the *Vermont Mirror*, a weekly newspaper published at Middlebury, and also a *Vermont Register and Almanac*, 1803 until 1818. He was Secretary of the Governor

and Council 1813 and '14, Judge of Probate 1819–41, Clerk of Addison County Courts 1814–46, Assistant Judge 1855–1857, and Elector of President and Vice President in 1836. By request of the Historical Society of Middlebury, he wrote a history of Addison County, and also of the Town of Middlebury, which were printed in 1859. He died July 8 1875. —For portrait, see his *History of Middlebury and Addison County.—Memorials of a Century, Bennington;* Drake's *Biographical Dictionary; History of Middlebury; Thompson's Vermont;* and Deming's *Catalogue.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER, 1813.

STATE OF VERMONT ss. A Journal of the Proceedings of the Governor and Council of the State of Vermont, begun & holden at Montpelier on the second Thursday (being the 14th day) of October in the year of our Lord, one thousand, eight hundred & thirteen, and of the Independence of the United States, the thirty eighth. Present His Excellency Jonas Galusha Esquire, Governor. His Honour Paul Brigham Esquire Lt. Governor. Honourable Josiah Wright, Horatio Seymour, Pliny Smith, Samuel C. Crafts, Frederick Bliss, Beriah Loomis, Elias Keyes, William Hunter, Esquires, Councillors. John Peck Esquire, Sheriff of Jefferson County. R. C. Mallary Esquire, Secretary.

Mr. [Rev. Asa] Lyon appeared in Council and informed the Governor & Council that the General Assembly had met & were ready to proceed to business. Ordered, that the Secretary inform the General Assembly that the Council had met, formed a quorum, & are ready to receive any communications, which the General Assembly may please to make.

Resolved, To appoint a committee to join a Committee of the House for the purpose of receiving, sorting & counting the votes for Governor, Lieutenant Governor, Treasurer & Councillors.—Messrs. Wright, Seymour, Smith, Crafts, Bliss, Loomis, Keyes & Hunter were accordingly appointed.

Adjourned to 5 o'clock P. M.[1]

5 O'CLOCK P. M.—The Council met pursuant to adjournment.

Mr. Griswold of the House appeared in the Council Chamber & informed the Governor & Council, that the House of Representatives had met & were ready to meet the Governor & Council in joint committee to hear the report of the canvassing committee.

On motion, Resolved, The General Assembly concurring herein, that the time for both Houses to meet in joint committee to receive the report of the canvassing [committee] be postponed to 10 o'clock, A. M.

[1] The election sermon was by Rev. Daniel Marsh.

tomorrow :—Which being sent to the House of Representatives, Mr. Hatch appeared in the Council Chamber, and informed the Governor & Council, that the House of Representatives had concurred in the above resolution.

Adjourned to 9 O'clock A. M. Tomorrow.

FRIDAY October 15th, 1813. 9 o'clock A. M.

Council met pursuant to adjournment.

The Governor & Council proceeded to the Representatives' Room, to meet the General Assembly in joint committee pursuant to the resolution of yesterday, that both Houses meet in joint committee to hear the report of the joint canvassing Committee ; which was read as follows :—

To the Hon. General Assembly of the State of Vermont now sitting—The Committee appointed to sort & count the votes of the freemen of this State for Governor, Lieutenant Governor, Treasurer & Councillors, beg leave to report—that the freemen of this State have made no choice of a Governor for the year ensuing—that they have made no choice of a Lieutenant Governor for the year ensuing—that Benjamin Swan is chosen Treasurer of this State by the freemen for the year ensuing, & he is hereby declared duly elected to that office : That by the votes of the freemen, the following persons are chosen Councillors for the year ensuing, to wit, Josiah Wright, Mark Richards, Elias Keyes, William Hunter, Horatio Seymour, Beriah Loomis, William C. Harrington, Frederick Bliss, Solomon Miller, Samuel Fletcher, Gamaliel Painter & Daniel Dana Esquires, and they are hereby accordingly declared to be duly elected. All which is submitted. ELIAS KEYES, *Chairman.*

Which being finished the Governor & Council returned to their chamber.

Adjourned to 2 O'clock P. M.[1]

---

[1] The editor of this volume is indebted to CHAUNCEY K. WILLIAMS Esq. of Rutland for the statement of the votes of the freemen for Governor as canvassed in 1813, to wit : for Jonas Galusha 16,828, Martin Chittenden 16,532, scattering 605. No person having received a majority of all the votes cast, there was no election by the people. For Councillors a plurality sufficed for an election, and but for the rejection of the votes of Colchester by the canvassing committee, the entire Jeffersonian Republican ticket but one, [Joseph Woodworth of Montpelier,] would have been declared elected ; whereas the four gentlemen, last named in the above list reported by the committee, were on the Federal ticket. Samuel C. Crafts, Pliny Smith, and William Cahoon, of the Republican ticket, claimed that the votes of Colchester should have been counted, and that in that event they were entitled to seats in lieu of Samuel Fletcher, Gamaliel Painter, and Daniel Dana. The General Assembly did not concur in these claims, though a Committee of the Council, after deliberate examination, declared that the votes of Colchester should have been received and counted. The Assembly refused a reading to the report of this committee. For the petition of Messrs. Crafts, Smith, and Cahoon, see printed *Assembly Journal* of 1813, p. 30 ; for report of a committee of the Assembly on the same subject, see same, p. 144 ; and for report of the committee of the Council, see *post*, in the record of Nov. 11 1813.

2 Oclock P. M.—Council met pursuant to adjournment; and Adjourned to 9 O'clock A. M. Tomorrow.

Saturday, October 16th, 1813, 9 O'clock A. M.

Council met pursuant to adjournment.

The Hon. Josiah Wright, Frederick Bliss, Elias Keyes, William Hunter, Horatio Seymour, Beriah Loomis, William C. Harrington, Solomon Miller, & Mark Richards went down to the House, when they were duly sworn to the faithful discharge of their duty, as Councillors for the year ensuing, by His Honour David Fay Esquire, Assistant Judge of the Supreme Court:—When they met in Council Chamber and proceeded to business.

Mr. Langdon of the House appeared in Council Chamber & informed the Governor & Council that the House of Representatives had chosen the usual officers of the House & were ready to receive any communication to be made by the Governor & Council. Ordered, That the Secretary inform the House that the Governor & Council have formed a quorum, and are ready to receive any communications the House may think proper to make.

Resolved, The General Assembly concurring herein, that both Houses meet in joint Committee at 2 O'clock P. M. this day in the Representatives' room for the purpose of electing a Governor & Lieutenant Governor for the year ensuing.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment; and Adjourned to 10 O'clock A. M. Monday.

Monday October 18, 1813, 10 O'clock A. M.

Council met pursuant to adjournment.

Received from the House of Representatives a resolution appointing a committee of four members of the House to join a committee of the Council, to be called *The Committee of Suspensions;*—the members of the House chosen being Messrs. H. Allen of Colchester, Dunton, [S.] Deming & Burton [Baxter]; which being read, Resolved, To concur with the House in their said resolution, and Mr. Keyes was appointed to join said Committee from the Council.

Received from the House a resolution appointing a committee of four members of the House to join such committee as the Council may appoint to be called *The Turnpike Committee;*—Members chosen on the part of the House, Messrs. Haight, Turner, Ol. Mason & Clapp; which being read, Resolved, To concur with the House of Representatives in their said resolution, and Mr. Hunter was appointed on [the] part of the Council.

Received from the House a resolution appointing a committee of four members to join such committee as the Council may appoint, to be denominated the *Committee of claims;*—Members chosen on the part of the House being Messrs. Allen of Milton, Hoyt, M. Robinson & Hotchkiss:—Which being read, Resolved, To concur with the House, & Mr. Seymour was appointed on the part of the Council.

Also, received from the House a resolution appointing three Committees of two members of the House in each to join such committees as the Council may appoint, to be denominated *the first, second & third Land Tax Committees*, which being read, Resolved, To concur with the

House in their said resolution, & Mr. Loomis was appointed on the part of the Council to join on the *first*, Mr. Miller the *second*, and Mr. Bliss the *third*.

Also, received from the House a resolution appointing a committee of four members to join such as may be appointed on the part of the Council, to be called *The Committee of New trials;*—Members appointed on the part of the House, Messrs, [Niles,] Foot, Baxter, & Olin; which being read, Resolved, To concur with the House, & Mr. Harrington was appointed on the part of the Council.

Also, received from the House a resolution appointing a Committee of four members of the House to join such as may be appointed by the Governor & Council, to be denominated *The Military Committee:*—Members appointed on the part of the House, Messrs. Hendee, Thomas Howe, Bullock & Smalley:—which being read, Resolved, To concur with the House; & Mr. Wright was appointed from the Council.

Also, received from the House a resolution appointing a committee of *four* members to join such as the Council may appoint, to be denominated *The Committee of Manufactures;* Members appointed on the part of the House, Messrs. Chittenden, Corbin, E. Allis, & Fox:—Which being read, Resolved, To concur with the House in their said resolution, and Mr. Richards was appointed on the part of the Council.

Received from the House of Representatives the following petitions, viz. of Henry Gould—of Livy Lawton—of Jabez G. Fitch, each praying for an act of suspension, with an order of the House to refer the same to the joint Committee of suspensions ; which being severally read, Resolved, To concur with the House in the said reference.

Received from the House the petition of Timothy Turner, with an order of the House referring the same to a committee of three members, to join such as the Council may appoint ;—which was read, and it was Resolved, To concur in the said reference, & Mr. Miller was appointed on the part of the Council.

Received from the House of representatives the petitions of Mary Beach—of Roger Haskell & Meribah Haskell—and of Jesse Hanford, with an order of the House referring them severally to the joint Committee on the Petition of Timothy Turner ;—Which being read, Resolved, To concur with the House in the said reference.

Received from the House the Petitions of Joseph Capron & others—and of Solomon Safford and others, with an order of the House on each to refer them to the joint committee of Manufactures : Which being read, Resolved, To concur in the said reference.

Received from the House the Petitions of the Passumpsick Turnpike Company—and of the Windham Turnpike Company, with an order of the House on each, referring them to the joint Turnpike Committee : Which were read & Resolved, To concur with the House in the said reference.

Received from the House the Petition of David Herriman, with an order to refer the same to a committee of three members of the House to join such as may be appointed by the Council ; Which was read, and Resolved, To concur in the said reference, and Mr. Hunter was appointed on the part of Council.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

The remonstrance & petition of Samuel C. Crafts, Pliny Smith & William Cahoon against Samuel Fletcher, Gamaliel Painter & Daniel Dana was read :—Whereupon, on motion, Resolved, the General Assembly concurring herein, that both Houses meet in the representa-

tives' room on Thursday the 21st day of October instant, at 10 o'clock forenoon, in joint Committee, for the purpose of taking into consideration the petition & remonstrance of Samuel C. Cratts, Pliny Smith, & William Cahoon, against Samuel Fletcher, Gamaliel Painter & Daniel Dana, filed in Council Oct. 18, 1813, & accompanying the resolution.[1]

Rec$^{d.}$ from the House the petitions of Asa Latham—of Noah Cushing—of John Emery—of Calvin [Carver[2]] Bates—of John Merriam—of Ebenezer [Eben[2]] Conant—of Brown Jenks, with an order on each to refer the same to the Committee of Suspensions ;—Which were read & it was Resolved, To concur in the said reference.

Received from the House of Representatives the petition of Amos W. Barnum, with an order referring the same to the joint Turnpike Committee : Which was read & it was Resolved, To concur in the said reference.

Rec$^{d.}$ from the House of Representatives the petitions of John B. Joyal—and of Hugh Laughlin, with an order of the House on each referring the same to the Joint Committee of Claims : Which were read & it was Resolved, To concur in the said reference.

The petition of the Town of Concord for a Land Tax, with an order of the House of Representatives referring the same to the joint third Land Tax Committee, was rec$^{d.}$ & read :—Whereupon it was Resolved, To concur in the said reference.

Rec$^{d.}$ the Petitions of Ira Fox—of Stephen Smith [jr.] & others—of Theodore Sheldon, with an order of the House of Representatives on each referring the same to the joint Committee on the Petition of Timothy Turner : Which was read & it was Resolved, To concur in the said reference.

Rec$^{d.}$ from the House of representatives the petition of David R. Campbell & others, with an order to refer the same to the joint Military Committee : Which being read—Resolved, To concur in the said reference.

Adjourned to 9 O'clock A. M. Tomorrow.

TUESDAY October 19, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

The Hon. Gamaliel Painter & Daniel Dana Esquires appeared in Council ; the oaths of office were duly administered to them by His Excellency Jonas Galusha, and they took their seats as Councillors.

Rec$^{d.}$ from the House a resolution appointing a Committee of four members to join such as the Council may appoint to take into consideration all petitions for bank favors : Which was read & it was Resolved, To concur with the House in their said resolution and Mr. Dana was appointed on the part of the Council.

On motion, Resolved, that the votes referring the petitions of Ebenezer Conant & John Merriam to the joint Committee of Suspensions be rescinded, & that the same be referred to the joint Committee raised by the foregoing resolution.

Rec$^{d.}$ from the House an account of Solomon Walbridge, with an order to call it up & refer the same to the joint Committee of Claims; Which was read & it was Resolved, To concur in the reference.

---

[1] The Assembly refused to concur in this resolution : yeas 103 [Jeffersonian Republicans,] nays 108 [Federalists.] See printed *Assembly Journal* of 1813, pp. 30–32 ; also note *ante*, p. 4.

[2] In the printed *Assembly Journal.*

Rec$^{d.}$ from the House the Petition from the Town of Jay for a land tax, with an order to refer the same to the third Land Tax Committee: Which was read & Resolved, To concur in the said reference.

The bill entitled "An act to alter the grand list of the town of Bennington for the year 1809," with an order of the House to refer the same to the joint Committee of claims, was rec$^{d.}$ & read: Whereupon Resolved, To concur with the House of Representatives in the said reference.

Petition of Annis Hinman & William Williams, with an order of the House to refer the same to the joint Committee on the Petition of Timothy Turner, was received from the House, read & it was Resolved, To concur in the said reference.

Petition of the Inhabitants of Middlesex, with an order of the Gen. Assembly to refer the same to the joint turnpike Committee, was rec$^{d.}$ & read, & it was Resolved, To concur in the said reference.

Petition of Passumsic Turnpike Company, with an order to refer the same to the joint Turnpike Committee, was rec$^{d.}$ & read & it was Resolved, To concur in the said reference.

Rec$^{d.}$ from the House of representatives the Petitions of Wolcott H. Keeler & James O. Walker with an order on each to refer the same to the joint bank Committee: Which were read & it was Resolved, To concur in the said reference.

Petition of Silas Hathaway, with an order of the House to refer the same to the joint Committee of suspensions, was read & it was Resolved, To concur with the House in the said reference.

Rec$^{d.}$ from the House the Surveyor's [surveyor of public buildings] account and statement with an order of the House to refer the same to the joint Committee of Claims: Which was read & it was Resolved, To concur in the reference.

Petition of Jonathan Cutler with an order of the House to refer the same to the joint Committee of claims, was rec$^{d.}$ & read & it was Resolved, To concur in the said reference.

Petition of Land owners of New Huntington for a land tax, with an order of the House to refer the same to the first Land Tax Committee, was received & read:—Whereupon it was Resolved, To concur in the said reference.

Petitions of Duncansboro [Newport]—Salem—Random [Brighton] and Westmore, with an order on each to refer the same to the second joint Land tax Committee, were rec$^{d.}$ & read: Whereupon it was Resolved, To concur in the said reference.

Petition of William Fay, with an order of the House to refer the same [to] the joint Committee of Claims, was rec$^{d.}$ & read: Whereupon it was Resolved, To concur in the said reference.

Adjourned to 2 O'clock.

2 O'clock P. M.—Council met pursuant to adjournment, and Adjourned to 9 o'clock A. M. tomorrow.

Wednsday October 20th, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

Mr. [Asa] Lyon appeared in Council Chamber and returned the resolution appointing a [time] for both Houses to meet in joint Committee to take into consideration the petition and remonstrance of Pliny Smith, Samuel C. Crafts & William Cahoon, against Samuel Fletcher, Daniel Dana and Gamaliel Painter, and informed the Governor & Council that

the General Assembly had not concurred in passing the same, and assigned the reasons of said nonconcurrence, and then withdrew.[1]

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[1] The reasons of a majority of the Assembly for nonconcurrence were not entered in the journal of either house, nor has any unofficial statement of them been found beyond a hint in the *Vermont Republican* [anti Federal] of Jan. 17, 1814, as follows :

Some, in this day of new things, had the hardihood to contend that the Canvassing Committee were omnipotent, and that their decision was unalterable.

The evident purpose of the petition and remonstrance was, to contest the seats of three persons who had been declared duly elected Councillors in the mode prescribed by the constitution. An examination of that instrument will show three things : 1, that the House of Representatives had power to "judge of the elections and qualifications of their own members," but had no such power over members of the Council ; 2, that the Council had no power granted to it to judge of the election of its own members ; and 3, that, by the constitution, it was made the duty of the canvassing committee to receive, sort, and count the votes, and declare the persons elected. The canvassing committee was not appointed by the joint assembly, nor was any power given to that body, by either the constitution or any statute, to revise the work of the committee. In this case, the two Houses differed politically, and it is obvious that the Federal House held that the election in Colchester, on which the result turned, had been utterly vitiated by the intrusion and votes of United States troops, under command of Maj. John McNeil of New Hampshire ; while the Jeffersonian Republican majority of the Council, on testimony taken *after* the canvassing committee had declared the election of the three Federal Councillors whose right was questioned, held that the votes of Colchester ought to have been received and counted, and the seats given to the contestants.

The Council first proposed, Oct. 18, a joint assembly "for the purpose of taking into consideration the petition and remonstrance" &c., to which the House disagreed. The inference is that the Council then anticipated a re-opening of the case, at least for discussion, in joint assembly; but on the 12th of Nov. the Council asked for a joint committee "to devise suitable rules, by which future canvassing committees shall be governed, in receiving, sorting and counting votes," &c. This implies an abandonment of the idea, if such had been entertained, that the joint assembly could overrule or instruct the canvassing committee; and the adoption, by statute, of rules by which that committee could correct its own errors, or investigate so fully as to preclude error. This question was elaborately and ably discussed in the joint assembly in 1853—a body consisting of members of three political parties, and in which neither party had a majority—and it was decided by the adoption, yeas 128 to nays 63, of the following resolution :

Hon. Samuel Fletcher appeared in Council, the oaths of office were duly administered to him by His Excellency the Governor, and he took his seat as a Councillor.

Rec^{d} from the House of Representatives the petition of J. & W. Mott, for a right of ferry, with an order to refer the same to a committee of

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Resolved, That the Joint Assembly have not the constitutional power to reverse the decisions of the Canvassing Committee in regard to election of County and Probate District Officers.—See printed *Assembly Journal* of 1853, pp. 464–468.

This resolution accorded with the opinion of the canvassing committee, as declared by the chairman to the joint assembly, who however did not report that the committee also claimed it to be "the right and duty of the committee to revise its own work at any time while in its power, and to correct every mistake, error, or fraud."—See statement of one of the committee in the *Vermont Watchman & State Journal* of Dec. 1 1853.

The two acts of Nov. 4, 1812, passed by a Jeffersonian Republican legislature, provided that any freeman of the State, in the service of the United States as officer or soldier, might vote "for state officers in any town in this state, wherever he may happen to be;" and for Members of Congress "on his first proving to the satisfaction of a majority of the selectmen and justices of the peace" "that he is a freeman of this State, or that by his residence and good moral conduct he is entitled to take the freeman's oath.—*Provided*, That all such officers and soldiers attending any freeman's meeting as aforesaid, shall attend without their arms."—Printed *Laws of Vermont* of 1812, pp. 131, 139. Under the stress of the embargo and the war, the Federal party in Vermont was rapidly growing, and the purpose of these acts was to save the votes of the Vermonters in the army, the most of whom were presumed to be of the war party, as the following letter, copied from *Spooner's Vermont Journal* of Aug. 22 1814, shows:

U. S. Senator Jona. Robinson to Maj. Gen. Wade Hampton.

BENNINGTON, Aug. 23, 1813.

Dear Sir,—Although unacquainted with you personally, yet possessing a knowledge of your public character, I take the liberty to address you on a very important subject, deeply interesting to the people of this State. We consider it rather improbable that the soldiers under your command will march out of this State until after the 7th of Sept. next [the day of the election]—and the Legislature having provided by law that all soldiers who are Freemen in the State should have a right to vote in any town in the State where they should be stationed—our friends here, who are leading characters, believe that the exercise of their franchise as freemen will decide the Election for Governor and one branch of the Legislature [the Council]. Those who have enlisted being principally Republican, we have it to solicit, sir, from your clemency, that every facility may be given for the soldiers on that day to leave the camp by companies, and repair to the neighboring towns to give in their votes. Through this medium is our only hope of preventing the State of Vermont from becoming one of the Eastern Confederacy against our

two members of the House to join such as the Council may appoint: Which being read, Resolved, To concur with the House in their said resolution, and Mr. Painter was appointed.

Petition of T. & P. Hawley was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on the petition of J. & W. Mott; which was read & Resolved, To concur in said reference.

Petition of the Selectmen of Swanton was received from the House with an order to refer the same to the joint Committee on the petition of J. & W. Mott: Which being read, Resolved, To concur in the said reference.

Petition of Martin Roberts was rec$^{d.}$ from the House with an order to refer the same to the joint Bank Committee: Which was read & Resolved, To concur in the said reference.

Petition of Moses Ellsworth was rec$^{d.}$ from the House with an order to refer the same to a Committee of two to join from Council: Which being read, Resolved, To concur, and Mr. Fletcher was appointed.

Petition of William Carlton & others was rec$^{d.}$ from the House with an order to refer the same to a Committee of two members to join from Council: Which was read, and Resolved, To concur with the House in said reference, and Mr. Dana was appointed on the part of Council.

Rec$^{d.}$ from the House of representatives a bill entitled "An act annexing the town of Mt. Tabor to the County of Bennington," with an order of the House to refer the same to a committee of two to join from Council: Which was read, & Resolved, to concur with the House in said reference, and Mr. Richards was appointed on the part of Council.

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government. Col. [Elias] Fassett [of the 30th U. S. regiment] and Col. [Isaac] Clark [of the 11th] will, probably, confer with you on the subject. I am, sir, with high esteem, your friend, JONA. ROBINSON.

Gen. Wade Hampton.

Had the soldiers who voted at Colchester been under the command of a Vermonter and the election there so conducted as to avoid criticism, it is highly probable that three more Republican Councillors would have been declared elected and the re-election of Gov. Galusha and Lt. Gov. Brigham secured in the joint Assembly. The Federalists of 1813 had been warned by the success of their opponents in securing the election of their ticket for six Congressmen in Dec. 1812, which should here be noted. *The Washingtonian* of Dec. 28, 1812, contained the following:

The following Order was issued at Burlington, Dec. 7th, by the Colonel of the 11th Regt. We presume it to be the first, of a similar import, ever issued in any country, by the Colonel of a regiment in public service:

"All the officers of said regiment that are freemen of Vermont, and all others that have a right to take the oath, are requested to attend the Freeman's Meeting at the Court-house, at 12 o'clock, this day, in order to choose Representatives to Congress.—By order of the Colonel.

[Signed] N. S. CLARKE, *Adj.*"

The militia at Plattsburgh had been discharged a few days previous to the election and returned with Clark's regiment. As the Republican ticket received a majority but little exceeding two hundred, it is undoubtedly true that its success was due to the return of these troops to Vermont.

Rec$^{d.}$ from the House a bill entitled "An act appropriating the County Grammar School lands in the County of Franklin," with an order of the House to refer the same to a Committee of two to join from Council; Which being read, Resolved, to concur in the said reference, and Mr. Harrington was appointed on the part of Council.

Rec$^{d.}$ from the House a bill entitled "An act establishing a County Grammar School in Chelsea, in the County of Orange," with an order of the House to refer the same to the joint Committee on the bill appropriating the County Grammar School lands in the County of Franklin: Which being read, Resolved, To concur in the said reference.

Petition of Matthew Smith with an order of the House to refer the same to a committee of three members of that body to join from Council, was rec$^{d.}$ and read, and Resolved, To concur in said reference, and Mr. Miller was appointed on the part of the Council.

Petition of Fire Engine Company of Brattleborough, with an order of the House to refer the same to a committee of three members to join from Council, was rec$^{d.}$ and read: Whereupon Resolved, To concur in the said reference, and Mr. Bliss was appointed on the part of the Council.

Petition of sundry inhabitants of Mt. Tabor was rec$^{d.}$ with an order to refer the same to the joint Committee on the bill annexing Mt. Tabor to the County of Bennington: Which was read & Resolved, To concur in said reference.

Petition of Miles H. Johnson was rec$^{d.}$ from the House of representatives, with an order of the House to refer the same to the joint Committee of Suspensions:—Which was read, & Resolved, To concur in the said reference.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment.

Mr. Edmond of the House of Representatives appeared in Council and returned the resolution of the Governor & Council, appointing a time for both Houses to meet in joint Committee to elect a Governor & Lieutenant Governor of this State for the year ensuing, of the date of October 16, 1813; which had been [non]concurred in by the House. When Mr. Edmond had assigned the reasons of the House for their nonconcurrence, he withdrew.[1]

Governor & Council adjourned to 9 O'clock A. M. Tomorrow.

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[1] Oct. 16, *in joint committee of the two houses*, Henry Olin proposed a joint resolution to proceed at once to an election of governor and lieutenant governor; which was ruled out of order, when Nathaniel Niles appealed, and the ruling was affirmed by the House, 108 to 102. On the same day the Governor and Council sent to the House a joint resolution for a joint committee for the same purpose, which the House nonconcurred in, 108 to 100. The real, though not the assigned reason of the nonconcurrence of the House doubtless was that three of the Federal Councillors elect had not then taken their seats. These were all present Oct. 20, and on that day the House communicated its nonconcurrence to the Governor and Council, and adopted a resolution for an election on the 21st. It is hardly necessary to suggest, in case of an election in the absence of three Federal Councillors, that the Jeffersonian Republican candidates would have been elected.

THURSDAY October 21, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives a resolution appointing a committee of four members of that body to join such Committee as the Council may appoint to inquire into the expediency of altering & amending an act passed Nov. 9, 1812, entitled "An act directing the mode of detaching the militia," &c., which being read, Resolved, To concur in said resolution, and Mr. Wright was accordingly appointed on the part of the Council.

Petition of Joshua Dupy was rec$^{d.}$ from the House with an order to refer the same to a committee of three members of that body to join from Council: Which being read, Resolved. To concur in the said reference, & Mr. Seymour was appointed on the part of the Council.

Petition to alter the County road from Danville to Montpelier. was rec$^{d.}$ with an order of the House of representatives to refer the same to a committee of two members of the House to join from Council, which was read & Resolved, To concur in said reference, & Mr. Dana was appointed.

Petition of Brookline was rec$^{d.}$ from the House with an order to refer the same to a committee of two members of the House to join from Council:—Which was read, and Resolved, To concur in said reference, and Mr. Keyes was appointed.

Petition of Parkerstown [Mendon] was rec$^{d.}$ with an order of the House of Representatives to refer the same to a committee two members of the House to join from Council: Which was read & Resolved, To concur in said reference, and Mr. Fletcher was appointed.

Petition of Seth Burrows was received from the House of Representatives, with an order of the House to refer the same to the joint Committee on the petition from Parkerstown: which being read, Resolved, To concur in the said reference.

Rec$^{d.}$ from the House of representatives a resolution appointing a committee of *four* members of the House to join from Council, to take into consideration the 10th section of an Act detaching the militia &c.: Which being read, Resolved, To concur in passing said resolution, and Mr. Wright was accordingly appointed on the part of the Governor & Council.

Rec$^{d.}$ from the House a resolution appointing a Committee of four members of the House to join such Committee as the Council may appoint to examine the several acts relating to Sheriffs, High Bailiffs, their bondsmen and sureties: Which was read & Resolved, To concur in passing the s$^{d.}$ resolution, and accordingly Mr. Harrington was appointed.

Rec$^{d.}$ from the House a bill entitled "An act to prevent the continuance of certain nuisances," with an order of the House to refer the same to committee of two to join from Council: which being read, Resolved, To concur in the said reference; and Mr. Painter was appointed on the part of Council.

Petition of the Inhabitants of Woodbury & Calais was rec$^{d.}$ from the House of representatives, with an order of the House to refer the same to a committee of four members to join from Council: which being read, Resolved, To concur in the said reference, & Mr. Bliss was appointed.

Rec$^{d.}$ from the House of representatives a resolution appointing 2 o'clock P. M. this day a time for both Houses to meet in joint committee for the purpose of electing Governor & Lieutenant Governor of this State for the year ensuing: which being read, Resolved, To concur with the House in passing said resolution.

Petition of Salmon Dutton Jun. & others was rec$^{d.}$ with an order of the House to refer the same to a committee of three members of that

body to join from Council: which was read & Resolved, To concur in said reference & Mr. Keyes was appointed.

Petition of Sherburne with an order to refer the same to the joint Turnpike Committee, was received and read: Whereupon, it was Resolved, To concur in said reference.

Petition of Willard Jewett & others was rec$^{d.}$ from the House with an order of that body to refer the same to the joint committee on the petition of W. & J. Mott; which was read & Resolved, To concur in said reference.

Petition of Caty Mills was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on the petition of Timothy Turner; which being read, Resolved, to concur in said reference.

Petition of the Selectmen of Coventry was rec$^{d.}$ with an order of the House to refer the same to the third joint Land-tax Committee; which being read it was Resolved, to concur in said reference.

Petition of the Inhabitants of Peacham was rec$^{d.}$ with an order of the House to refer the same to the 2$^{d.}$ joint Land-tax Committee, which was read & Resolved, To concur in the said reference.

Petition of Shrewsbury Artillery Company was rec$^{d.}$ with an order of the House to refer the same to the joint Military Committee: Which was read; Whereupon Resolved, To concur in said reference.

Petition of Calvin Fairbanks & others was rec$^{d.}$ with an order of the House to refer the same to the joint Military Committee; which was read & Resolved, To concur in the said reference.

Petition of Jedediah Richardson with an order of the House to refer the same to the joint Committee on the petition of Wallis & John Mott was rec$^{d.}$ and read; Whereupon Resolved, To concur in said reference.

Petitions of the Selectmen of Topsham, and of Josiah Wood Jun. with an order on each referring the same to the 2d joint Land-tax Committee, were rec$^{d.}$ & read; Whereupon Resolved, To concur in referring the same.

The petition of Daniel Lockwood—of Jonathan Janes—of Thomas Brown—of Jonathan Woodbury—of Serenus Swift—of Samuel Bushnell and the remonstrance against Jonathan Woodbury, with an order on each to refer the same to the joint Committee of Suspensions, were severally rec$^{d.}$ & read: Whereupon Resolved, To concur with the House in s$^{d.}$ reference.

Rec$^{d.}$ from the House of representatives the petitions of the Selectmen of Duncansboro'—of David Jones & [Alvin] Robinson—of Anson Munson—of Heman Lowry—of Daniel Pride—of James Johnson with an order on each to refer the same to the joint Committee of Claims: which were read & it was Resolved, To concur with the House in said reference.

On motion, Mr. Wright introduced the following resolution—Whereas a memorial has been presented to this Council by Samuel C. Crafts, Pliny Smith and William Cahoon Esquires, claiming their election by a majority of the votes of the freemen of this State as Councillors for the year ensuing, and a resolution of Council was passed to meet the House of representatives to consider said memorial, which resolution was not concurred in by said House of Representatives: Therefore Resolved, that a committee of three members be appointed to collect all the facts in relation to the votes of the freemen given in for Councillors the present year & report the same to this Council. Which was read & adopted; and Messrs. Seymour, Hunter & Miller were accordingly appointed.

Rec$^{d.}$ from the House of representatives the report of the Visitors of the State Prison, with an order to refer the same to a committee of four members of the House to join from Council: Which was read &

Resolved to concur in said reference, & Mr. Hunter was appointed on the part of the Council.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

On motion, Resolved, That the resolution passed in the forenoon appointing a committee of three members to collect all the facts in relation to the votes of the freemen for Councillors the present year be so amended as that said Committee shall consist of *five* members in lieu of *three*. Messrs. Wright & Harrington were accordingly added.

Pursuant to the concurrent resolution of both Houses, the Governor & Council proceeded to the Representatives' room for the purpose of meeting the House of representatives in joint Committee to elect a Governor and Lieutenant Governor of the State for the year ensuing. On meeting the House & the joint resolution being read, His Excellency Jonas Galusha was nominated and appointed to take the chair. The ballots were then taken, sorted & counted for Governor; it appeared that the Honorable Martin Chittenden Esquire had a majority of votes, and was declared duly elected. The ballots were then duly taken, sorted & counted for Lieutenant Governor, when it appeared that the Hon. William Chamberlain Esquire had a majority of votes & was declared duly elected. After which the Council returned to their Chamber, and Adjourned to 9 O'clock A. M. Tomorrow.[1]

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[1] Oct. 23 1813, being the second day after the above election, in joint Committee, Benjamin Fitch and Aaron Leland presented a memorial to the Legislature, in which they stated that Martin Chittenden received 112 votes in the joint committee, and 111 votes were counted for Jonas Galusha. The memorialists then affirmed "that of the members of the honorable council and house of representatives, one hundred and twelve persons put each one ballot into the boxes for the said Jonas Galusha, for governor—by which it is certain that said Chittenden did not receive a majority of the ballots then given into the boxes for governor, and of course was not duly elected to said office—yet by the loss or failure to count one of said ballots, given for said Galusha, there appeared, contrary to fact, a majority of one ballot for said Chittenden. And your memorialists are ready to prove these facts by the oath of the said one hundred and twelve members who put in said one hundred and twelve ballots for said Galusha. Your memorialists therefore pray that said declared election of governor may be holden for nought, and that the two houses of this legislature may convene, in joint committee, to elect a governor for the year ensuing." William A. Griswold then introduced a resolution for a joint committee of the two houses to consider the memorial, and, in case the facts set forth therein should be supported, to elect a governor. A long debate ensued, and before the question on the resolution was reached, the Governor and Lieut. Governor elect appeared in the House with the Council, when the Governor was qualified and delivered his speech.—See printed *Assembly Journal* of 1813, pp. 44, 45. The highest vote of the partizans of Gov. Chittenden in the House up to the election of Governor, was 108; the addition of the four Federal Councillors made 112. The highest vote in the House of the

FRIDAY October 22d, 1813. 9 O'clock A. M.

Council met pursuant to adjournment and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment, and adjourned to 9 O'clock A. M. Tomorrow.

SATURDAY October 23d, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

His Honor William Chamberlain Esquire appeared in Council Chamber, and with the Council proceeded to the representatives' room, where after an address to the Throne of Grace by the Reverend Chaplain of the General Assembly,[1] the oaths of office were duly administered to His Honor, as Lieutenant Governor of this State for the year ensuing: After which, he returned with the Council to the Council Chamber.

Petitions of Thankful McNeil—of Inhabitants of Moriah [N. Y.]—of William Meacham—of Charles McNeil—with an order of the House on each [to] refer the same to the joint committee on the petition of Wallis & John Mott, were severally rec$^{d.}$ & read: Whereupon it was Resolved, To concur in said reference.

Petition of Isaac Hinman was rec$^{d.}$ with an order on the same to refer it to the joint Committee on petitions for Bank favors; which being read, it was Resolved, To concur in said reference.

Petition of the first Constable of Jamaica was received from the House, with an order to refer the same to the joint Committee of Claims, & read: Whereupon Resolved, To concur in said reference.

Petition of Stephen Martin, with an order of the House on the same was rec$^{d.}$ from the House of representatives, and read: Whereupon Resolved, To concur with the House in referring the same to the joint Committee on the 10th section of the act for detaching the militia.

Petition of Joseph Fessenden was rec$^{d.}$ from the House with an order to refer the same to the joint committee of suspensions; which was read & it was Resolved, To concur in said reference.

His Excellency Martin Chittenden Esquire the Governor elect appeared in Council, and took the chair. After which His Excellency the Governor, His Honor the Lieutenant Governor, and the Hon. Council proceeded to the representatives' room; and after the oaths of office were duly administered to His Excellency, as Governor in & over the State of Vermont for the year ensuing, by His Honor Judge Tyler, he delivered the following Speech.[2]

After which the Governor & Council returned to their Chamber, and Adjourned to 2 o'clock P. M.

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partizans of Gov. Galusha was 103; the addition of eight Jeffersonian Republican Councillors made 111. The debenture account shows that Lieut. Gov. Brigham was paid for service on the day of the election of Governor, so his vote for Galusha would make 112. The solution of this question lies between the theory of the memorialists, or the withholding of a Republican's vote, as the only alternatives.—See Deming's *Catalogue*, pp. 11, 12, for a suggestion that a member of Bennington County withheld his vote.

[1] Rev. Daniel Marsh.

[2] For the speech see *Appendix* A.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Received from the House of Representatives the memorial of Henry Olin & others, with an order of that body to refer the same to the joint Committee of claims ; Which being read Resolved, To concur with the House of Representatives in said reference.

Adjourned to 9 O'clock A. M. Monday next.

MONDAY October 25th, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

Petition of Benjamin Whitman & others was rec$^{d.}$ from the House of Representatives, with an order to refer the same to a committee of two to join from Council ; which was read & Resolved, To join with said reference, and Mr. Painter was appointed on the part of Council.

Petition of John M. Foster was rec$^{d.}$ from the House with an order of that body to refer the same to a committee of two to join from Council ; which being read, Resolved, To join in said reference & Mr. Painter was appointed on the part of Council.

Petition of Harry Hale was rec$^{d.}$ from the House with an order to refer the same to the joint Committee of claims : Which being read it was Resolved, To concur in said reference.

Petition of the Congregational Society in Middletown was rec$^{d.}$ from the House with an order to refer the same to a Committee of two to join from Council ; which was read & it was Resolved, To join in said reference & Mr. Seymour was appointed on the part of Council.

Petition of P. Seaman & Anna Seaman was rec$^{d.}$ from the House with an order to refer the same to a Committee of two to join from Council ; which being read, Resolved, To join in said reference, & Mr. Loomis was appointed on the part of the Council.

Petition of Ira Fox was rec$^{d.}$ from the House with an order to refer the same to a committee of two to join from Council ; which was read & Resolved, To join in said reference & Mr. Fletcher was appointed.

Petition of Nathaniel Ruggles was rec$^{d.}$ from the House with an order to refer the same to a committee of three to join from Council ; which was read & Resolved, To join in said reference & Mr. Keyes was appointed.

Petition of Samuel How was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on the petition of Timothy Turner ; which was read & Resolved, To concur in said reference.

Petition of Jacob Winn was rec$^{d.}$ from the House with an order to refer the same to a committee of two to join from Council ; which being read, Resolved, To join in said reference, & His Honor Gov. Chamberlain was appointed on the part of Council.

Petition of James Lewis was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on the petition of Jacob Winn ; which was read & Resolved, to concur in said reference.

Jacob B. Hadley's petition was rec$^{d.}$ from the House with an order to refer the same to a Committee to join a committee of Council ; which being read, Resolved to join in said reference & Mr. Hunter was appointed on the part of Council.

Petition of Cyrus Washburn was rec$^{d.}$ from the House with an order to refer the same to a committee of two to join from Council ; which being read, it was Resolved, To join in said reference, & Mr. Bliss was appointed on the part of Council.

Petition of Inhabitants of Franklin County for a turnpike, with an order to refer the same to the joint Turnpike Committee, was rec$^{d.}$ from the House & read : Whereupon Resolved, To concur in said reference.

Petition of John Phelps was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on petitions for Bank favors, which being read, Resolved, To concur in said reference.

Petition of John W. Blake, with an order to refer the same to the joint Turnpike Committee, was rec$^{d.}$ and read: Whereupon Resolved, To concur in said reference.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Rec$^{d.}$ from the House of Representatives a resolution appointing Tuesday the 26th day of instant October a time for both Houses to meet in the Representatives' room, at 10 o'clock A. M., to elect judges of the Supreme Court, a Surveyor General, an Auditor of accounts against the State, and a person to preach the next election sermon: Which being read, it was Resolved, To concur in the said resolution, with the following proposed amendment, viz. erase the words "Tuesday the 26th," and insert "Wednesday the 27th," & Mr. Wright was appointed to assign the reasons of the House.

Mr. Loomis on leave introduced the following resolution—

IN COUNCIL October 25, 1813.

Resolved, by the Governor & Council, the House of Representatives concurring herein, that the members of both Houses convene in the Representatives' Room on Thursday next at 4 O'clock P. M., to offer up thanks to Almighty God for the complete victory obtained near the river Thames, in Upper Canada, on the 5th day of October instant, by the American army under General Harrison, over the combined forces of British & Indians under General Proctor, & that the Rev. Chaplain be requested to deliver a discourse and address the throne of grace in prayer suited to the occasion. Which was read & adopted.[1]

Mr. Griswold of the House of Representatives appeared in Council chamber & informed the Governor & Council that the House had concurred in the amendment proposed by the Council to the resolution appointing a time for both Houses to meet for the choice of Judges of the Supreme Court, Surveyor General, Auditor of accounts against the State, & person to preach the next election sermon.

On motion, Resolved, That a committee of three be appointed to take into consideration petitions of convicts for pardon. Messrs. Hunter, Seymour & Dana were accordingly appointed.

Petitions of Joshua Brooks—of Zebedee Goodwin—of Dexter Ward—of Eleazer Flagg—of Ebenezer Eaton—of William Paige—of Zerah Smith—of Caleb Whipple—of Amasa Brown, with an order on each, were rec$^{d.}$ from the House of representatives, to refer the same to the joint Committee of suspensions: Which being severally read, it was Resolved, To concur with the House of representatives in said references.

Petitions of Daniel McCulis [Crillis]—of Samuel Mix—of Inhabitants of Derby—of Selectmen of Wheelock—of Elihu How—of Joseph Bostwick—of John Wheatley were rec$^{d.}$ from the House of Representatives with an order on each to refer the same to the joint Committee of Claims; which being read Resolved, To concur in the said references.

Petitions of Nathan Smith—of Leonard Farwell—of John Gould, were rec$^{d.}$ from the House of representatives, with an order on each to

[1] Oct. 26, the House refused to concur in this resolution, 108 to 95. On the 2d of Nov. the House voted to adjourn at 4 p. m. of the next day, thus giving to all members who were so disposed an opportunity to unite in such services.—See printed *Assembly Journal* of 1813, pp. 60, 62, 101, 102.

refer the same to the joint committee of New Trials: Which being read Resolved, To concur in said references.

Petition of Avis Moulton & C. Langdon was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on the petition of Timothy Turner: Which being read, Resolved, To concur in the said reference.

Petition of Moses Cobb was rec$^{d.}$ with an order of the House to refer the same to the joint Committee on the petition of William Carlton: Which being read, Resolved, To concur in said reference.

Petition of Gamaliel Painter & others was rec$^{d.}$ from the House with an order to refer the same to the joint Turnpike Committee: Which being read, Resolved, To concur in said reference.

Petition of Timothy Hinman was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on the resolution respecting Bank favors: Which being read, Resolved, To concur in said reference.

Rec$^{d.}$ from the House of representatives a resolution appointing a Committee of four members of that body to join such committee as the Council may appoint, to be called a Committee of Military Claims: Which was read & it was Resolved, To join in said Committee, & Mr. Harrington was appointed on the part of Council.

Petitions of Isaac Bailey & others—& of Gilbert Bradley were rec$^{d.}$ from the House with an order on each to refer the same to the joint Committee of Military Claims: Which was read & Resolved, To concur in said reference.

Rec$^{d.}$ from the House of Representatives a resolution appointing a Committee of three members of that body to join such as the Council may appoint, to take into consideration the law laying a tax on pleasure carriages; Which being read, Resolved, To concur in said resolution; and Mr. Richards was appointed on the part of the Council.

Rec$^{d.}$ from the House a resolution directing the Secretary of State to transmit to the University of Vermont—Middlebury College, and the Historical Society of Massachusetts, a copy of the Laws, Journals, [Election] Sermons &c. Which being read Resolved, To concur in said resolution.

Rec$^{d.}$ from the House of representatives the following resolution:

In General Assembly October 25, 1813.

Resolved that His Excellency the Governor be requested, by & with the advice of Council, to appoint Thursday, the 2d day of December next, as a day of public thanksgiving and praise throughout this State: Which being read, Resolved, To concur in said resolution.

Rec$^{d.}$ from the House of representatives a resolution, appointing a committee of four members of that body to join such as the Council may appoint, to take into consideration the laws respecting the appointment of State officers: Which being read, Resolved, To concur in said resolution; and Mr. Keyes was appointed on the part of Council.

Rec$^{d.}$ from the House of representatives the report of the Auditor in the Treasury department, with an order to refer the same to a committee of four to join from Council: Which being read, Resolved, To join in said reference, and Mr. Miller was appointed on the part of Council.

The petition of Addison Stewart, a convict in the State's Prison, praying for a pardon, was read and on the question, Shall the prayer of the petition be granted? the yeas & nays were called for & taken as follows, viz. Yea, Mr. Keyes; Nays, Gov. Chamberlain, Messrs. Wright, Richards, Hunter, Seymour, Loomis, Harrington, Bliss, Fletcher, Miller, Painter, & Dana, so the prayer of the petition was not granted; and On motion, Resolved, That the said petition be dismissed.

Adjourned to 9 o'clock tomorrow.

TUESDAY October 26, 1813. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

His Excellency the Governor was pleased to appoint Samuel Swift, Esquire, Secretary to himself & Council for the year ensuing and he was duly qualified to the duties of that office.

Rec$^{d.}$ from the House of representatives a resolution that the two Houses meet in County Conventions, on Wednesday the 27th instant, at 4 o'clock in the afternoon, for the purpose of making their nominations for County officers, & that they meet in joint committee in the Representatives' room, at the opening of the House on Thursday morning next, for the purpose of electing such officers: Which being read, Resolved, to concur in said resolution.

Rec$^{d.}$ from the House of representatives a resolution, that so much of His Excellency's Speech as relates to the militia be referred to the joint Military Committee: Which being read, Resolved to concur in said resolution.

Rec$^{d.}$ from the House of representatives a petition of Caleb Risley, praying for an act to free his body from arrest, with an order to refer the same to the joint committee of suspensions: Which being read, Resolved, To concur with the House of representatives in their said reference.

Petition of the officers & non-commissioned officers of a company of Light Infantry, in the second regiment, first brigade & second division of the militia for liberty to increase their company, with an order to refer the same to the military committee: Which being read, Resolved, To concur with the House in their reference.

Rec$^{d.}$ from the House a bill for the relief of Jonathan Janes, with an order to refer the same to the committee of suspensions; Which being read, Resolved, To concur with the House in their said reference.

Rec$^{d.}$ from the General Assembly an engrossed bill entitled "An act in addition to an act entitled an act for the support of the gospel," sent up for concurrence or proposals of amendment: Which being read, Resolved, to concur with the House of representatives in passing said bill into a law.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to Adjournment.

Rec$^{d.}$ from the House of representatives an engrossed bill entitled "An act to repeal an act entitled an act to prevent intercourse with the enemies of this and the United States," which being read, Resolved, That the same be referred to a committee of three for the purpose of proposing amendments; and accordingly Messrs. Harrington, Painter & Seymour were appointed.

Rec$^{d.}$ from the House of representatives a bill entitled "An act freeing the body of Jabez G. Fitch from arrest & imprisonment for the term of ten years," with an order to refer the same to the joint committee of suspensions, which being read, Resolved, To concur with the House in their said reference.

Rec$^{d.}$ from the House of representatives a resolution, that a committee of four members to join such committee as the Council shall appoint be chosen to enquire whether any, and if any what measures ought to be taken to perpetuate in its purity the Merino breed of sheep within this State, and to report by bill or otherwise: which being read, Resolved, To join with the House in said committee and His Honor Lt. Gov. Chamberlain was appointed on the part of the Council.

Adjourned to 9 o'clock A. M. Tomorrow.

WEDNESDAY October 27, 1813. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

Mr. Lyon of the House of representatives appeared in Council, with the resolution of the 25th instant sent down from the Council for concurrence, appointing a time for both Houses to meet in the representatives' room for the purpose of offering up thanks to Almighty God for the victory of the Army over the British & Indians near the River Thames in Upper Canada ; and informed the Governor & Council that the House had not concurred in said resolution, and assigned the reason, and withdrew.

Mr. Richards asked for leave of absence after tomorrow, which was granted.

Pursuant to the joint resolution for that purpose, the Governor & Council proceeded to the representatives' room, to meet the House of representatives for the purpose of electing Judges of the Supreme Court, Surveyor General, Auditor of accounts against the State, and a person to preach the next election sermon, when the ballots being duly taken, sorted & counted, it appeared that the Honourable Nathaniel Chipman was chosen Chief Judge of the Supreme Court of Judicature & Court of Chancery—the Hon. Daniel Farrand and Jonathan H. Hubbard, Esquires, Assistant Judges, John Johnson Esquire Surveyor General, Job Lyman Esquire Auditor of accounts against the State, the Rev. Elijah Lyman to preach the next election sermon, & the Rev. John Fitch a substitute in case of failure. After which the Governor & Council returned to their chamber.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives a petition of the Inhabitants of Moretown & the adjacent towns, praying to be freed from the toll of a turnpike gate, with an order to refer the same to the joint Turnpike Committee ; which being read, Resolved, To concur in said reference.

Adjourned to 9 o'clock A. M. tomorrow.

THURSDAY October 28th, 1813. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives an engrossed bill, entitled "An act freeing the person of Jonathan Janes from arrest & imprisonment for the term of five years," sent up for concurrence : Which being read, Resolved, To concur in passing the same into a law.

Mr. Richards having leave of absence, On motion, Mr. Keyes[1] was appointed to take his place on the following Committees, viz. Committee of Manufactures—on the bill annexing Mt. Tabor to Bennington County, and on the resolution to take into consideration the act laying a tax on pleasure carriages.

Agreeably to the joint resolution for that purpose, His Excellency the Governor & the Hon. Council proceeded to the representatives' room to meet the House in joint Committee for the purpose [of] electing County officers: After proceeding in the business of the joint Committee, the same was adjourned to 9 o'clock A. M. Tomorrow & the Governor & Council returned to their Chamber.

Adjourned to 2 O'clock P. M.

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[1] Secretary Swift generally recorded this name erroneously as *Keys*.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives an account of Alexander Hutchinson, as auditor of accounts against the State, with an order to refer the same to the joint Committee of claims: Which being read, Resolved, to concur with the House in said reference.

Rec$^{d.}$ from the House an engrossed bill, entitled "An act for the relief of Elihu Howe, discharging Ebenezer Pratt from the payment of a note," sent up for concurrence: Which being read, Resolved, To concur with the House in passing the same into a law.

Rec$^{d.}$ from the House of representatives the following engrossed bills sent up for concurrence, viz. "An act granting relief to Henry Gould," "An act directing the Treasurer to pay Anson Munson the sum therein mentioned," "An act incorporating certain persons therein mentioned, by the name of the St. Johnsbury Aqueduct Company," "An act to prevent certain public nuisances," which being severally read, Resolved to concur with the House of representatives in passing the same into laws.

The petition of Elijah Remington, a convict in the State's Prison, stating he was convicted, at the term of the Supreme Court holden at Rutland in January 1810, of the crime of passing counterfeit Bank bills, for which he was sentenced to the State's Prison for the term of ten years, and praying for a pardon, being called up & read, on the question, —Shall the prayer of the petition be granted, the yeas and nays were called for & taken, as follows, Yeas, Gov. Chamberlain, Messrs. Wright, Richards, Keyes, Hunter, Seymour, Loomis, Harrington, Bliss, Fletcher, Miller, Painter & Dana. Nays, none. So the prayer of the petition was granted, & His Excellency the Governor was requested to issue a pardon accordingly.

Petition of Daniel Cook & others, inhabitants of Washington & Corinth, praying for a market road, leading from Washington Turnpike, through Washington, Corinth & Fairlee to Connecticut River, was rec$^{d.}$ from the House of Representatives, with an order to refer the same to the joint Turnpike Committee: Which being read, Resolved, To concur with the House in the said reference.

Rec$^{d.}$ from the House of Representatives an account of Orsemus [probably Orsamus C.] Merrill, as Auditor in the Commissary department, with an order to refer the same to the Committee of Claims: Which being read, Resolved, To concur with the House in their said reference.

Petition of John Page Jun. a convict in the State's Prison, praying for a pardon, was called up and read, and on the question, Shall the prayer of the petition be granted? the yeas & nays were called for & taken as follows, Yeas, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Bliss, Fletcher, Miller, Painter & Dana. Nays, none. So the prayer of the petition was granted, and His Excellency the Governor was requested to issue a pardon accordingly.

Petition of Isaac Benson, a convict in the State's Prison, praying for a pardon, was called up & read, and on the question, Shall the prayer of the Petition be granted? It was decided in the affirmative, by yeas & nays, as follows, viz. Yeas, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Bliss, Fletcher, Miller, Painter and Dana. Nays, none; and His Excellency the Governor was requested to issue a pardon accordingly.

Petition of Aaron Hanscom, a convict in the State's Prison, praying for a pardon, was called up & read, and on the question, Shall the prayer of the petition be granted? it was decided in the affirmative by yeas &

nays, as follows, viz. Yeas, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Bliss, Fletcher, Miller, Painter & Dana; And His Excellency the Governor was requested to issue a pardon accordingly.

Petition of Samuel Green Jun. a convict in the State's Prison, praying for a pardon, was called up & read, and on the question, Shall the prayer of the petition be granted? it was decided in the affirmative, by yeas & nays as follows, viz. Yeas, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Bliss, Fletcher, Miller, Painter & Dana. Nays, *none:* And His Excellency the Governor was requested to issue a pardon accordingly.

Petition of Benjamin Erwin, a convict in the State's Prison, praying for a pardon, was called up and read, and on the question, Shall the prayer of the petition be granted? it was decided in the affirmative by yeas & nays, as follows, viz. Yeas, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Bliss, Fletcher, Miller, Painter, & Dana. Nays, *none.* And His Excellency the Governor was requested to issue a pardon accordingly.

Petition of Samuel Graves, a convict in the State's Prison, praying for a pardon, was called up & read, and on the question, Shall the prayer of the petition be granted? it was decided in the affirmative, by yeas & nays as follows, viz. Yeas, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Bliss, Fletcher, Miller, Painter & Dana. Nays, *none.* And His Excellency the Governor was requested to issue his pardon accordingly.

Adjourned to 9 o'clock A. M. tomorrow.

FRIDAY, October 29th, 1813. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

Agreeably to adjournment, His Excellency the Governor and the Hon. Council proceeded to the representatives' room to meet the House of representatives in joint Committee for the election of County officers; and after proceeding with their business the joint Committee adjourned, & the Governor & Council returned to their Chamber.

Adjourned to 2 O'clock this afternoon.

2 O'CLOCK P. M.—The Governor & Council met according to adjournment.

The Committee, to whom was referred, for proposal of amendment, the engrossed bill, entitled "An act to repeal an act entitled an act to prevent intercourse with the enemies of this and the United States," reported the following, viz. add to the bill the words—"Provided nevertheless, That this repeal shall not affect any right or rights, fines, forfeitures or penalties incurred, or accruing under said act, any thing herein contained to the contrary notwithstanding;" and on the question, Shall the said amendment be adopted & proposed to said bill, the yeas & nays were called for & taken, as follows, viz. Yeas, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Harrington, Bliss. Nays, His Honor Gov. Chamberlain, Messrs. Fletcher, Miller, Painter & Dana; So the amendment was adopted: Whereupon, Resolved, That the Governor & Council concur with the House of representatives in passing the said bill into a law, with the above proposed amendment.

Rec^{d} from the House of representatives the following engrossed bills sent up for concurrence. viz. "An act directing the Treasurer to pay John M. Foster the sum therein mentioned"—and "An act directing the Treasurer to pay Daniel McCrillis the sum therein mentioned," which being severally read, Resolved, To concur with the House of Representatives in passing the same into laws.

The petition of John C. Dunbar, a convict in the State's Prison, praying for a pardon, was called up and read, and on the question—Shall the prayer of the petition be granted ? it was decided in the affirmative, by yeas & nays as follows, viz. Yeas, Gov. Chamberlain, Messrs. Wright, Keyes, Hunter, Loomis, Harrington, Bliss, Fletcher, Miller, Painter & Dana. Nay, Mr. Seymour. And His Excellency the Governor was requested to issue a pardon accordingly.

Rec$^{d.}$ from the House a bill entitled "An act establishing a County Grammar School in the County of Jefferson, in the town of Montpelier," with an order of the House that the same be referred to the Committee on the bill appropriating the Grammar School lands in Franklin County; which being read, Resolved, To concur with the House in the said reference.

Rec$^{d.}$ from the House of Representatives a bill entitled "An act to incorporate the Vermont Medical Society," with an order to refer the same to a committee [of three] to join from Council: Which was read, and it was Resolved, To join with the House in said reference.

Rec$^{d.}$ from the House a bill entitled "An act reviving and continuing in force an act therein mentioned," with an order to refer the same to the joint Turnpike Committee; Which being read, Resolved to concur in the said reference.

Petition of Joseph H. Ellis was rec$^{d.}$ from the House with an order to refer the same to the Committee of New Trials: which being read, Resolved, to concur in said reference.

Petition of George Deming, praying for the exclusive right of a ferry from Burlington to Plattsburgh, was rec$^{d.}$ from the House of representatives with an order thereon to refer the same to the joint Committee on the petition of Wallis & John Mott, which being read, Resolved, to concur with the House in their reference.

Petition of G. Painter was rec$^{d.}$ from the House of representatives with an order on the same to refer it to the joint Bank Committee; which was read & it was Resolved, To concur with the House in said reference.

Rec$^{d.}$ from the House of representatives a bill entitled "An act empowering the Rutland and Stockbridge Turnpike Corporation to discontinue the turnpike gate near the dwelling house of John Fuller Esq. in Stockbridge, and to take the same toll at the gate near Rufus Richardson's in Parkerstown [Mendon] as is now taken at both gates," with an order of the House to refer the same to the joint turnpike Committee; which being read, Resolved, To concur with the House of Representatives in said reference.

Rec$^{d.}$ from the House of representatives a bill entitled "an act in addition to an act entitled an act for the probate of wills and the settlement of testate and intestate estates," with an order of the House on the same to refer it to the joint committee on the petition of Timothy Turner: which was read & it was Resolved, To concur with the House in their reference.

Adjourned to 9 o'clock A. M. Tomorrow.

SATURDAY October 30th, 1813. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives the following engrossed bills sent up for concurrence, viz. "An act directing the Treasurer to pay the sums therein mentioned," and "An act authorizing Roger Haskell & Meribah Haskell, guardians, to sell the real estate of wards," which be-

ing severally read, Resolved, To concur with the House of representatives in passing said bills into laws.

Rec$^{d.}$ from the House of representatives a resolution appointing a committee of five members of that body to join from Council, to examine the report of the Hon. Royall Tyler, Theophilus Herrington & David Fay commissioners appointed to examine and adjust the accounts of the Vermont State Bank, at the Middlebury branch, which being read, Resolved, To join with the House in said reference & the [that a] committee of three members of Council be appointed to join the Committee on the part of the House

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives the following engrossed bills sent up for concurrence, viz. "An act for the relief of Daniel Shepard," "An act granting relief to Eben Conant," which being severally read, Resolved, To concur with the House of representatives in passing the same into laws.

Adjourned to 9 O'clock A. M. Monday next.

MONDAY November 1, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives a bill entitled "An act in addition to an act entitled an act incorporating the Passumsick Turnpike Company," with an order to refer the same to the joint Turnpike Committee ; which being read, Resolved to concur with the House in their said reference.

Rec$^{d.}$ from the House [of] representatives a resolution that a Committee of four be appointed, to join from Council, to take into consideration the propriety of a law by which the several County Courts in this State shall be governed in regard to the extent of the several goal yards in the said Counties ; which being read, Resolved, to join in said resolution, and Mr. Wright was accordingly appointed on the part of Council.

Rec$^{d.}$ from the House of representatives a bill entitled "An act authorizing the Treasurer of the State to pay the sum therein mentioned," with an order on the same to refer it to the joint Committee of Claims : which being read, Resolved, To concur in the said reference.

Rec$^{d.}$ from the House of representatives a bill vacating the offices of Militia officers who accept commissions in the army of the United States, with an order of reference to the joint Military Committee ; which was read & it was Resolved, To concur in said reference.

The petition of Amos Staples, praying for a compensation for arresting Levi Noble, with an order to refer the same to the joint committee of claims, was rec$^{d.}$ and read : Whereupon, Resolved, To concur with the House of representatives in their said reference.

Rec$^{d.}$ from the House of representatives a bill for the relief of Martin Roberts, with an order to refer the same to the joint committee on Claims for Bank favors: Which was read & it was Resolved to concur in said reference.

Rec$^{d.}$ from the House of representatives a bill entitled "an act in addition to an act entitled an act directing proceedings against Trustees of absconding or concealed debtors," with an order of the House to refer the same to the joint Committee for limiting gaol yards ; which was read & Resolved, To concur with the House of representatives in their said order of reference.

Rec$^{d.}$ from the House a resolution directing the joint committee on the petition of Timothy Turner to inquire into the expediency of passing a law authorizing administrators *de bonis non* to carry into effect the contracts of a prior administrator: which being read, Resolved, To concur in said resolution.

Rec$^{d.}$ from the House of representatives the following engrossed bills, sent up for concurrence, viz. "An act for the relief of Eleazer Flagg administrator of the estate of Jonathan Parker, late of Clarendon, deceased," and "An act for the relief of Theodore Shelden," which being severally read, it was Resolved, To concur with the House of representatives in passing the same into laws.

Rec$^{d.}$ from the House of representatives an engrossed bill, sent up for concurrence or proposals of amendment, entitled "An act authorizing a committee therein named to alter a road through Leicester," which being read, Resolved, To concur with the House in passing the same into a law, with the following proposed amendment, viz. add the following clause—"Provided always, That any damage, which may be done to any person, or persons, by laying out or altering said road, shall be ascertained and paid agreeable to the provisions of the act authorizing the selectmen to lay out & open roads in the several towns in this State."

Rec$^{d.}$ from the House of representatives a bill entitled "An act directing the Treasurer to credit the first constable of Westford the sum therein mentioned," with an order to refer the same to the joint Committee of claims: Which was read & it was Resolved, To concur in said reference.

Rec$^{d.}$ from the House of representatives a bill entitled "An act in addition to an act establishing the Stratton Turnpike Corporation," with an order of the House thereon to refer the same to the joint Turnpike Committee: which being read, Resolved, To concur with the House in their said reference.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives a bill entitled "An act for the relief of John Phelps," with an order to refer the same to the Bank Committee; which was read & it was Resolved, To concur with the House in said reference.

Rec$^{d.}$ from the House of representatives a bill entitled "an act relating to depositions" &c. with an order to refer the same to a committee of four to join from Council; which being read, Resolved, To concur with the House in said reference & Mr. Loomis was duly appointed on the part of the Council.

Rec$^{d.}$ from the House of representatives a bill entitled "an act to repeal an act appointing a committee to lay out a road from the mouth of White River in Hartford to Woodstock Court House, passed the 7th of November 1808," with an order of reference to the joint Turnpike Committee: Which being read, Resolved, To concur in said reference.

Rec$^{d.}$ from the House of representatives a resolution appointing a committee of four members of the body to join from Council, to enquire the cause why the Town of Canaan have not paid their taxes: which being read, Resolved, To concur in said resolution, and Mr. Harrington was accordingly [appointed] on the part of the Council.

Petition of Parley Davis, praying for relief from a judgment rendered against him, as bail for David Robbins, and paid by him, was received with an order to refer the same to a committee of four to join from Council, which being read, Resolved, To concur in said reference, & Mr. Painter was appointed on the part of Council.

Petition of Jonathan Gilman, a convict in the State's Prison, praying for a pardon, was called up and read, and on the question, Shall the prayer of the petition be granted? it was decided in the negative by yeas & nays as follows, viz. Yeas, *none*. Nays, Gov. Chamberlain, Messrs. Wright, Hunter, Seymour, Loomis, Harrington, Bliss, Fletcher, Miller, Painter & Dana: Whereupon Ordered, That said petition of Jonathan Gilman be dismissed.

Adjourned to 9 o'clock A. M. tomorrow.

TUESDAY November 2, 1813. 9 o'clock A. M.

The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives a report of the Committee of Military Claims with an order to refer the same to the same Committee for the purpose of bringing in a bill agreeably to their report; which being read, Resolved, To concur in the said order of reference.

Rec$^{d.}$ from the House of representatives a resolution that a Committee of two be appointed to join from Council, to be denominated "The Committee of finance, to enquire into the State of the Treasury &c:" which being read, Resolved, To concur in said resolution; and accordingly Mr. Miller was appointed on the part of Council.

Rec$^{d.}$ from the House of representatives the following engrossed bills, sent up for revision and concurrence or proposals of amendment, viz. "An act for the relief of Samuel Bushnell; an act for the relief of Zerah Smith; an act directing the Treasurer of the State to pay Heman Lowry the sum therein mentioned; an act for the relief of Joshua Brooks; an act laying a tax of three Cents per acre on the township of Concord; an act establishing an Academy at Cavendish, in the County of Windsor; an act appropriating a sum of money for defraying the expences of the Council of Censors; an act for the relief of Mary Beach; an act in addition to an act establishing a corporation by the name of the Strafford Turnpike Company;" and "an act appointing a collector for the town of Chittenden," [which] were severally read, & it was Resolved, To concur with the House of representatives in [passing] the same into laws.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met according to adjournment.

Rec$^{d.}$ from the House of representatives an engrossed bill, sent up for revision and concurrence or proposals of amendment, entitled "An act for the relief of William Paige," which being read, Resolved, To concur with the House of representatives in passing the same into a law, with the following proposed amendment, viz. add to the bill the following clause—"Provided, nevertheless, that the said William Paige shall take no benefit by this act until he shall have executed a good & sufficient bond with sureties to the acceptance of one of the Judges of Rutland County Court; which bond shall be taken to the Treasurer of Rutland County, for the benefit of the creditors of the said William Paige,—conditioned that the said William shall not waste or any [way] dispose of his property to injure his creditors, during the term aforesaid; which bond shall be lodged in the County Clerk's office in the County of Rutland, there kept for the benefit of said creditors."

Rec$^{d.}$ from the House of representatives an engrossed bill entitled "An act for the relief of Caty Mills," sent up for revision and concurrence or proposals of amendment; which being read, Resolved, That the following amendment be proposed to said bill, viz. add to end the following clause, "Provided nevertheless, that the said Caty Mills shall not be authorized to execute a deed as aforesaid, until she shall have

notified all persons interested to appear & shew cause, if any there be, why such authority should not be granted ; which notice shall be published in the same manner and under the same regulations as provided in the second section of an act supplementary to an act entitled an act for the probate of wills, and the settlement of testate and intestate estates, passed Nov. 5, 1798."

Petition of William T. Ball, a convict in the State's prison, praying for a pardon, being called up was read, and, on motion, Ordered, That the same be dismissed.

Petition of Caleb Graham, a convict in the State's Prison, praying for a pardon, was called up & read, and On motion, Ordered, That the same be dismissed.

Rec$^{d.}$ from the House of representatives a resolution of the State of North Carolina, proposing amendments to the constitution of the United States, with an order of the House to refer the same to a committee of four members to join from Council. Which being read, Resolved, To join in said reference, and Messrs. Miller & Seymour were appointed on the part of Council.

Petition of Benjamin Robinson, a convict in the State's prison, praying for a pardon, was called up and read, and On motion, Resolved, That the petitioner have leave to withdraw his petition.

Adjourned to 9 o'clock A. M. tomorrow.

WEDNESDAY November 3, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives a resolution that the committee jointly appointed to enquire into the proceedings of the several towns in this State, under the act entitled "an act in addition to an act directing the mode of election of Governor, Lieutenant Governor, Treasurer &c." be directed to report to this House the number of votes of the freemen of this State, given as aforesaid, which have been rejected, and report by bill or otherwise ; Which being read, Resolved, To concur in said resolution.

Rec$^{d.}$ from the House of representatives a resolution appointing a committee of four members of that body, to join from Council, to take into consideration the propriety of passing a law laying a tax on the inhabitants of this state for the purpose of paying into the Treasury of the United States this State's quota of the direct tax, agreeable to an act passed at the last session of Congress, & that said Committee report by bill or otherwise : Which being read, Resolved, To join with the House in their said resolution ; And accordingly His Honor Lt. Gov. Chamberlain, Messrs. Wright & Seymour were appointed on the part of the Council.

Rec$^{d.}$ from the House of representatives the following engrossed bills, sent up for revision & concurrence or proposals of amendment, viz. "An act directing the President & Directors of the Vermont State Bank to stay the collection of two certain notes therein mentioned ; An act laying a tax on the County of Essex ; An act directing the Treasurer to credit the first constable of Rochester the sum therein mentioned ;" Which being severally read, Resolved, To concur in passing the same into laws.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Petition of Calvin Hall, a convict in the State's Prison, praying for a pardon, was called up & read, and on the question Shall the prayer of

the petition be granted ? the yeas & nays were called for & taken as follows, viz. Yeas, His Honor Gov. Chamberlain, Messrs. Wright, Seymour, Loomis, Harrington, Bliss & Dana ; Nays, Mr. Keyes. So the prayer of the petition was granted ; and His Excellency the Governor was requested to issue a pardon accordingly.

Rec^{d} from the House of representatives a bill entitled "An act in addition to an act entitled an act granting a tax of three Cents per acre on the township of Lincoln, passed by the legislature of Vermont at their October Session A. D. 1812," with an order of the House to refer the same to a committee of four to join from Council : Which being read, Resolved, To concur with the House in said reference, and Mr. Dana was accordingly appointed on the part of Council.

Rec^{d} from the House of representatives a bill entitled "An act appointing a collector in Montpelier," with an order of the House to refer the same to a committee of two [to] join from Council : Which being read, Resolved, To concur in said reference, & Mr. Bliss was appointed on the part of Council.

Rec^{d} from the House an engrossed bill entitled "An act granting to Charles McNeil the exclusive right of keeping a ferry from Charlotte across lake Champlain," sent up for revision & concurrence or proposals of amendment : Which being read, Resolved, To concur in passing the same into a law.

On motion of Mr. Seymour, Resolved, that another member be added to the joint Committee of Claims ; And Mr. Dana was appointed accordingly.

Adjourned to 9 o'clock A. M. Tomorrow.

THURSDAY November 4th, 1813. 9 o'clock A. M.

Council met pursuant to adjournment.

Rec^{d} from the House of representatives an engrossed bill entitled "an act authorizing Roger Haskell and Meribah Haskell, guardians, to sell the real estate of their wards," sent up for revision and concurrence or proposals of amendment ; which being read, Resolved, That the same be revised by erasing in the first section the word "Roger" inserted as the christian name of the deceased, & insert "Mark ;" & that the Council do concur with the House in passing the same into a law, with the above correction.

Rec^{d} from the House an engrossed bill entitled "An act for the relief of David Herriman," sent up for concurrence or proposals of amendment : Which being read, Resolved, To concur in passing the same into a law.

Rec^{d} from the House of Representatives a bill entitled "An act discharging the person of Noah Cushing from arrest and imprisonment for the term of two years :" Which being read, On motion, Resolved, That the following amendment be proposed to said bill viz. Add to the bill the words — "Provided nevertheless, That the said Noah Cushing shall take no benefit by this act until he shall have executed a good & sufficient bond with sureties to the acceptance of the Judges of Caledonia County Court for the benefit of the creditors of the said Noah Cushing, which bond shall be taken to the Treasurer of Caledonia County, conditioned that the said Noah shall not waste or any way dispose of his property to injure his creditors during the term aforesaid : Which bond shall be lodged in the County Clerk's office in the County of Caledonia, there kept for the benefit of said creditors :" and Mr. Loomis was appointed to asign the reasons for said amendment to the House of repre-

sentatives. Resolved, To concur with the House in passing the above bill into a law with the above proposed amendment.

Rec$^{d.}$ from the House the following engrossed bills, sent up for concurrence, viz. "An act establishing a corporation by the name of the Bridport Turnpike Company; An act to incorporate the Safford Woollen, Cotton & Linen factory Company; An act granting the exclusive right of keeping a certain ferry therein named to Augustus Johnson," and "An act in addition to an act entitled an act establishing a corporation by the name of the Windham Turnpike Company, which being severally read, Resolved, To concur with the House of Representatives in passing the same into laws.

Benjamin Swan Esquire appeared in Council Chamber, and His Excellency the Governor duly administered to him the oaths of office as Treasurer of the State of Vermont.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives an engrossed bill entitled "An act incorporating certain persons therein named by the name of the Brattleborough Fire Society," sent up for concurrence: Which being read, Resolved, To concur in passing the same into a law.

Rec$^{d.}$ from the House of representatives an engrossed bill entitled "An act repealing an act entitled an act directing the deed of Job & Theoda Wood to be given in evidence": which was read & Resolved, That the Council do not concur with the House in passing said bill into a law, by Yeas & Nays as follows, viz. for concurrence, His Honor Gov. Chamberlain, Messrs. Fletcher, Miller, Painter & Dana; Nays, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Harrington, Bliss. And [Messrs.] Harrington & Seymour were appointed to draw up & report reasons for nonconcurrence.

Rec$^{d.}$ from the House of representatives a resolution that both Houses meet in the representatives' room at 10 o'clock tomorrow morning, for the purpose of electing Visitors of the State's Prison: which being read, Resolved, To concur with the House in their said resolution.[1]

Rec$^{d.}$ from the House a resolution that, the Governor & Council concurring therein, both Houses meet in the representatives' room, on Friday next at 2 o'clock P. M. for the purpose of electing five trustees of the University of Vermont, agreeably to the provisions of the third section of an act entitled "an act in addition to and amendment of an act for the purpose of founding a University at Burlington, passed November 2d, 1810:" Which being read, Resolved, To concur with the House in said resolution.[2]

Petition of Elias Buell & others, praying to be discharged from a judgment rendered against them as security for John Fitch Jun. convicted of cutting down a bridge, with an order to refer the same to the joint committee of new trials, was rec$^{d.}$ from the House, read & it was Resolved, To concur with the House of representatives.

Mr. Robinson, from the House of representatives, appeared in Council Chamber & informed the Governor & Council that the House had not concurred in the amendment proposed by the Council to the bill enti-

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[1] Abner Forbes, Nahum Trask, and William Leverett were elected.

[2] Doct. John Pomeroy, Rev. Willard Preston, Hon. Truman Chittenden, Hon. Heman Allen of Milton, and Hon. Samuel C. Crafts were elected trustees.

tled "an act to repeal an act entitled an act to prevent intercourse with the enemies of this & the United States," assigned the reasons & withdrew.

Adjourned to 9 o'clock A. M. Tomorrow.

FRIDAY November 5th, 1813. 9 o'clock A. M.

The Governor & Council met pursuant to adjournment.

Rec[d] from the House of representatives a bill entitled "an act directing the mode of adjusting and paying certain claims therein mentioned," with an order to refer [the same to] the joint Committee on the 10th section of the act for detaching the militia : which being read, Resolved, To concur in said reference.

Rec[d] from the House an engrossed bill entitled "An act in addition to the several acts incorporating and regulating the Rutland & Stockbridge Turnpike Company," sent up for concurrence ; which being read, Resolved, To concur in passing the same into a law.

Hon. Jonathan H. Hubbard appeared in Council Chamber, & before His Excellency the Governor took the oaths of office as assistant Judge of the Supreme Court of the State of Vermont.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M. — Council met pursuant to adjournment.

Rec[d] from the House of Representatives a resolution that, the Governor & Council concurring therein, the two Houses meet in the Representatives' room, in joint Committee, at 2 o'clock this afternoon, for the purpose of electing a Major General of the third division of the militia of this State ; which being read, Resolved, To concur with the House in their said resolution.[1]

Rec[d] from the House an engrossed bill entitled "an act repealing an act entitled an act appointing a committee to lay out a road leading from Tunbridge to Strafford in the County of Orange," which being read, Resolved, That the Council do not concur in passing the said bill into a law, and thereupon Resolved, That Mr. Wright be appointed to draw up and [report] reasons in writing to be assigned to the House for said nonconcurrence.

Rec[d] from the House the following engrossed bills sent up for concurrence &c. viz. "An act directing the Treasurer of this State to pay Hugh Laughlin the sum therein mentioned," and "An act annexing the Company of Artillery in Shrewsbury to the third regiment, second brigade and second division," which were severally read & it was Resolved, To concur with the House in passing the same into laws.

Mr. Griswold, from the House of representatives, appeared in Council Chamber and informed the Governor & Council that the House of representatives had not concurred in the amendments proposed by the Council to the bill entitled "an act discharging the person of Noah Cushing from arrest & imprisonment for the term of two years," assigned the reasons & withdrew.

Adjourned to 9 o'clock A. M. tomorrow.

SATURDAY 6 November 1813. 9 o'clock A. M.

The Governor & Council [met] according to adjournment.

Mr. Harrington, appointed for that purpose, reported the following as the reasons for nonconcurring in the bill entitled "An act repealing an

[1] Timothy F. Chipman was elected Maj. Gen., and Ezekiel Dunton Brig. Gen. vice Chipman promoted. James D. Butler was also elected auditor in the commissary department.

act entitled an act directing the deed of Job & Theoda Wood to be given in evidence passed Oct. 20, 1812," viz. — "To the General Assembly now in session, at Montpelier, Nov. 4, 1813. The Council having nonconcurred in passing of the bill entitled 'an act repealing an act entitled an act directing the deed of Job & Theoda Wood to be given in evidence, passed Oct. 20, 1812,' assign the following reasons, to wit:— *First*, because the evidence exhibited & the facts proved were in the opinion of the last legislature sufficient reasons for the passing of said act, and the same reasons still existing do, in the opinion of the Council, forbid the repeal of said law. *Secondly*, because, from a review of the facts in this case, the Council are fully convinced, that the said act is strictly equitable, and the Council have not been able to discover wherein said law is unconstitutional. *Thirdly*, because, if the Council are incorrect in their views of the constitutionality of this law, the question is still open for the decision of the courts of law." Which being read it was Resolved, To adopt the foregoing as reasons, to be sent to the House of representatives, for nonconcurring in said bill.

Mr. Wright, appointed for that purpose, reported as the reasons for nonconcurring in the bill entitled "an act repealing an act entitled an act appointing a committee to lay out a road leading from Tunbridge to Strafford in the County of Orange," the following, viz. "The within bill nonconcurred for the following reasons—That it appears that the selectmen of Tunbridge have heretofore laid out a road from Tunbridge to Strafford, which was set aside and a committee appointed by the County Court for the County of Orange laid out a road as aforesaid, and made return thereof according to law, and accepted, which was set aside by an act of the legislature, at their session in October A. D. 1812, and a committee appointed by said legislature to lay out a road from Tunbridge to Strafford as aforesaid, which said last mentioned committee have laid a road from said Tunbridge to Strafford; and that the same men, who were dissatisfied with the several surveys of said road, have been heard times enough to have been satisfied; and that they ought no longer to be gratified at the expense of the public." Which being read, it was Resolved, To adopt the above, as the reasons for nonconcurring in said bill, & sent to the House.

Rec$^{d.}$ from the House of representatives a resolution, that, the Governor & Council concurring therein, a committee of two be appointed to join from Council to take into consideration the expediency of making it the duty of each landholder in this State to renew the bounds of his lands within certain limited times, & to report by bill or otherwise: which being read, it was Resolved, To join in said Committee, and Mr. Keyes was appointed on the part of the Council.

Rec$^{d.}$ from the House of representatives a bill entitled "an act directing the Treasurer to pay Benjamin Frizzell Jun. the sum therein mentioned," with an order to refer the same to the joint Committee of Claims: which was read & it was Resolved, To concur in said reference.

Rec$^{d.}$ from the House the following engrossed bills sent up for concurrence, viz. "An act to continue in force an act granting a toll bridge to Ira Fox," "An act reviving and continuing in force an act therein mentioned," and "An act for the relief of John Gould," Which were severally read [and] it was Resolved, To concur with the House of representatives in passing the same into laws.

Rec$^{d.}$ from the House of representatives a resolution that, the Governor & Council concurring therein, the two Houses meet in joint Committee in the representatives' room, at 2 o'clock this afternoon, for the purpose of electing a Brigadier General of the third brigade & third division, and a Brigadier General of the second brigade of the fourth

division of the militia of this State: which being read, Resolved, To concur with the House in their resolution.[1]

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives the following engrossed bills, sent up for revision and concurrence or proposals of amendment, viz. "An act incorporating certain persons therein named by the name of the Dunmore Manufacturing Company; An act in addition to an act establishing a corporation by the name of the Stratton Turnpike Corporation passed November 10, 1808; An act directing the Treasurer to credit the first Constable of Jamaica the sum therein mentioned; An act for the relief of Calvin Hall; An act laying a tax of two Cents per acre on the Town of Topsham; An act to alter the grand list of Bennington for the year 1809," and "an act appointing a committee to lay out and examine the roads in Woodbury and for other purposes therein mentioned," which being severally read, it was Resolved, To concur with the House of representatives in passing the same into laws.

Rec$^{d.}$ from the House of representatives a bill entitled "an act to extend the time of payment of the Cent tax on the town of Bolton," with an order on the same to refer it to the joint Committee of claims: which was read & it was Resolved, To concur in said reference.

Adjourned to 9 o'clock A. M. on Monday next.

MONDAY November 8, 1813. 9 o'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives the petition of Amasa Brown for an act of suspension, with the report of the Committee, & an order of the House that the same be recommitted: which being read, Resolved, To concur with the House of representatives in their order of recommitment.

Petition of the President & Directors of the Vermont Glass Factory, praying for an extension of their exclusive right of making glass within the State, with an order of that body to refer the same to a committee of six to join from Council, was received, read & it was Resolved, To concur in said order of reference.

Rec$^{d.}$ from the House of representatives a bill entitled "an act directing the Treasurer to credit the Town of Bridgewater the sum therein mentioned," with an order of the House thereon to refer the same to the joint Committee of Claims: which was read & Resolved, To concur with the House in their order of reference.

Rec$^{d.}$ from the House a bill entitled "an act giving farther time to the collector of Mt. Tabor to collect the one Cent Land Tax," with an order of the House to refer the same to the joint Committee of Claims: which was read & it was Resolved, To concur in the said order of reference.

Rec$^{d.}$ from the House a bill entitled "an act supplementary to the several acts defining the powers of Justices of the peace within this State," with an order of that body to refer the same to the joint Committee on

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[1] Jacob Davis and John French were elected. Gov. Chittenden had informed the House that Gen. Elias Fassett of the third brigade and third division had actually removed from the district of his command.—See printed *Assembly Journal* of 1813, p. 128. Gen. Fassett was in fact serving as Col. of the 30th U. S. regiment of Infantry.

the petition of Timothy Turner, which being read, Resolved, To concur in the said order of reference.

Rec^{d} from the House an engrossed bill entitled "an act for the relief of Leonard Farewell," sent up for concurrence. which being read, Resolved, To concur with the House of representatives in passing the same into a law.

Rec^{d} from the House the bill entitled "an act discharging the person of Noah Cushing from arrest & imprisonment for the term of two years," with a resolution of that body to nonconcur in the amendment proposed by the Council, which was read, and *on motion*, Resolved. To rescind the resolution proposing amendment to said bill, and to concur with the House in passing the same into a law.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—Council met pursuant to adjournment.

Rec^{d} from the House a bill entitled "an act directing the Treasurer to pay Levi Ellis the sum therein mentioned," with an order to refer the same to the Committee of military claims : which being read, Resolved, To concur with the House in their order of reference.

Rec^{d} from the House a bill entitled "an act incorporating certain persons therein named by the name of the Vermont Card Manufacturing Company," with an order of the House to refer the same to the joint committee of manufactures : which was read & it was Resolved, To concur in the said order of reference.

Petitions of Joseph Bevens — Samuel Benham — Alexander Palmer — David Lewis – Charles Sheffield — Ira Morgan — Adolphus P. Wood — Elijah Randall — Stephen McConnell — Ebenezer Burt — Samuel E. Godfrey — George G. Gile — Micah Ford — Benjamin Hinman — John Burroughs — Samuel Green — Abiathar Smith — Henry Fitch — John Frasure – Alexander McLaughlin — David McKelleps Jun. — John P. Hill and Samuel I. Mott, convicts in the State's Prison, and severally praying for pardons, were called up and On motion, Resolved, That the same be dismissed.

Petition of John Sloan, a convict in the State's Prison praying for a pardon, was called up, and on the question, Shall the prayer of the petition be granted, the yeas & nays were called for & taken as follows, viz. *Yeas*, His Honour Gov. Chamberlain, Messrs. Hunter, Seymour, Loomis, and Painter ; *Nays*, Messrs. Wright, Keyes, Harrington, Bliss, Fletcher, Miller, Dana ; — So the prayer of the petition was not granted ; and On motion, Ordered that the petition of John Sloan be dismissed.

The petition of Rufus Cushman, a convict in the State's Prison, praying for a pardon, was called up ; and on the question, Shall the prayer of the petition be granted, the yeas & nays were taken as follows, viz. *Yeas*, Messrs. Wright, Seymour, Loomis, Harrington, Miller & Painter. *Nays*, His Honour Gov. Chamberlain, Messrs. Keyes, Hunter, Bliss, Fletcher & Dana, which being equal, His Excellency the Governor gave his casting vote in the affirmative : So the prayer of the petition was granted ; and His Excellency the Governor was requested to issue a pardon accordingly.

Adjourned to 9 o'clock A. M. tomorrow.

Tuesday November 9, 1813. 9 o'clock A. M.

Governor & Council met according to adjournment.

Rec^{d} from the House of representatives a bill entitled "an act to authorize the selectmen of Montpelier to appoint a collector for the purpose therein mentioned," sent up engrossed for concurrence, which

being read, Resolved, To concur with the House in passing the same into a law.

Rec^d. from the House of representatives a bill entitled "an act establishing a corporation by the name of the Middlebury Turnpike Company," with an order to refer the same to the joint Turnpike Committee : Whereupon Resolved, To concur in said reference, without reading.

Petition of James Austin, praying to be discharged from a bond given for his son for his appearance for trial on a charge of passing counterfeit bills, with an order of the House of representatives to refer the [same] to the joint Committee of claims, was received and read & it was Resolved, To concur with the House in their reference.

Rec^d. from the House a bill entitled "an act annexing a part of Philadelphia to Goshen," with an order to refer the same to a committee of four members to join from Council : which being read, Resolved, To concur in said reference, and Mr. Keyes was appointed on the part of Council.

Rec^d. from the House of representatives the following engrossed bills sent up for revision and concurrence or proposals of amendment, viz. "An act constituting a company of artillery in the Town of Barnard ; an act in addition to an act entitled an act granting a tax of three Cents per acre on the township of Lincoln ; an [act] to incorporate the Springfield Aqueduct Society ; an act for the relief of John Fitch and Elias Buel ; an act extending the time allowed by law for completing the Poultney Turnpike Road ; an act laying a tax of three Cents per acre on the town of Peacham ; an act granting to George Babcock the exclusive right of keeping a certain ferry therein named ; an act for the relief of Stephen Smith Jun. and Jonathan Boyden Jun. ; an act granting a new trial to John Phelps; an act for the relief of Timothy Turner; an act to repeal an act therein mentioned ; an act in addition to an act entitled an act relating to Bastards and Bastardy, passed February 27, 1797 ;" which were severally read, and Thereupon, Resolved, To concur with the House of representatives in passing the same into laws.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—Council met pursuant to adjournment.

Rec^d. from the House of representatives the following engrossed bills sent up for concurrence &c. viz. "An act for the relief of the Inhabitants of the town of Duncansboro ; an act incorporating the south part of the Town of Brookline in the County of Windham with the town of Athens, for the purposes therein mentioned ; an act in addition to an act entitled an act for the probate of wills, and the settlement of testate and intestate estates ;" which being severally read, Resolved, To concur in passing the same into laws.

Rec^d. from the House of representatives a resolution to reconsider the order of reference to the Committee of claims of the bill entitled "an act directing the Treasurer to [pay to] Benjamin Frizzell Jun. the sum therein mentioned," and an order to refer said bill to a select committee; which being read, Resolved, To concur with the House in their resolution to reconsider said order of reference.

Mr. Miller, on motion & leave, introduced a bill entitled "an act in addition to an act directing the appointment of an auditor or auditors in the Treasury department, and defining their several duties and directing the Treasurer in his duty &c." which being read it was Resolved, That the said bill pass to be sent to the House of Representatives for their concurrence.

The bill entitled "an act repealing an act entitled an act appointing a committee to lay out a road leading from Tunbridge to Strafford in the County of Orange," to which the Council had sent down proposals of

amendment, was returned from the House of representatives with a resolution of that House to nonconcur in the amendments proposed by the Council & that said bill be repassed to be sent to the Governor & Council for their concurrence ; which being read, Resolved, That said [bill] be suspended until the next session of the Legislature.[1]

The bill entitled " An act to repeal an act entitled an act to prevent intercourse with the enemies of this and the United States," to which the Council had sent down a proposal of amendment, was returned from the House of representatives with a resolution to nonconcur in the amendment proposed by the Council & that the same be repassed to be sent to the Council for their concurrence &c.—And on the question Will the Council rescind their proposal of amendment, it was decided in the negative: Whereupon, Resolved, That the passing of said bill be suspended until the next session of the legislature, by yeas and nays as follows,—*Yeas*, His Honour Governor Chamberlain, Messrs. Keyes, Hunter, Seymour, Loomis, Harrington, Bliss. *Nays*, Messrs. Fletcher, Miller, Painter & Dana.[2]

Petition of Livy Lawton was rec^d^ from the House with an order to recommit the same; which was read and it was Resolved, To concur with the House in their recommitment of said petition.

Adjourned to 9 o'clock A. M. tomorrow.

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[1] This record is erroneous. The Council nonconcurred in passing the bill, and gave reasons, instead of proposing amendment; and Nov. 10, 1813, the House decided that "the governor and council not having returned the same [bill] to this house, with proposals of amendment, within the time limited by the constitution, the same is become a law ;" and it appears in the printed *Laws* of 1813.—See *ante*, p. 32 ; printed *Assembly Journal* of 1813, p. 157 ; and printed *Laws* of 1813, p. 79.

[2] The yeas were of the war party, Lt. Gov. Chamberlain excepted; and the nays were all opponents of the war. The State non-intercourse act of 1812 was rigorous in its provisions, and rigorously executed in several instances. The Council of Censors of 1813, the members all being Federalists, condemned the act as being unconstitutional: first, in violation of the constitution of the United States, which gives to Congress the power to regulate commerce with foreign nations, and captures by land and water; and second, in violation of the constitution of the State, particularly the provisions on the right of trial by jury, and against unreasonable searches. Therefore, on the 25th of Oct. 1813, the Council sent a rescript to the General Assembly recommending a " speedy and unqualified repeal of said act," and on the same day the Assembly passed a repealing bill by yeas 159 to nays 19. This vote shows that at least fifty of the war party voted for repeal.—See printed *Assembly Journal* of 1813, pp. 50-53. The courts condemned the act, and military officers who had enforced it were subjected to costs and penalties, which the State refunded.

WEDNESDAY November 10, 1813. 9 o'clock A. M.

Council met pursuant to adjournment.

Rec^d. from the House a bill entitled "an act reviving an act laying a tax of three Cents per acre on the Town of Kellyvale" [Lowell,] with an order to refer the same to the second land tax committee; which was read & Resolved, To concur in said reference.

The petition of Benjamin Robinson, a convict in the State's Prison, was called up and read, [and] on the question, Shall the prayer of the petition be granted? the yeas & nays were called for & taken, as follows: *Yeas*, His Honour Gov. Chamberlain, Messrs. Keyes, Hunter, Seymour, Loomis, Bliss, Miller, Painter & Dana. *Nays*, Messrs. Wright and Harrington: So the prayer of the petition was granted, and His Excellency the Governor was requested to issue a pardon accordingly.

Rec^d. from the House of representatives the following engrossed bills sent up for concurrence, viz. "An act regulating barrel hoop-poles, staves & heading; an act to incorporate the Vermont Medical Society," which being severally read, Resolved, To concur in passing the same into laws.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

The petition of Abraham Alger Jun. and others for relief from fines and amercements by military authority for not appearing at Burlington when called upon, with an order of the House to refer the same to a committee of four to join from Council: which was read, and on the question Will the Council concur in the reference? it was decided in the negative by yeas and nays as follows: *Yeas*, His Honour Governor Chamberlain, Messrs. Fletcher, Miller & Painter; *Nays*, Messrs. Wright, Keyes, Hunter, Seymour, Loomis, Harrington, Bliss & Dana: Whereupon, *Ordered*, That Mr. Harrington be appointed to draw up and report reasons in writing to be sent to the House for said nonconcurrence.

The bill entitled "an act repealing an act directing the deed of Job & Theoda Wood to be given in evidence," was received from the House of representatives repassed by that body & sent up for concurrence of the Council: which was read & on the question Will the Council concur with the House of representatives in passing said bill into a law? it was decided in the negative, and Mr. Wright was appointed to report an amendment.

Adjourned to 9 o'clock to morrow morning.

THURSDAY November 11, 1813. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

Rec^d. from the House the account of S. Baldwin, with an order to refer the same to the joint Committee of Claims: which was read & Resolved, To concur with the House in their reference.

Rec^d. from the House of representatives a bill entitled "An act freeing the body of Ebenezer Eaton from arrest and imprisonment for the term of five years," with an order from that House to refer the same to the joint Committee of Suspensions: which being read, it was Resolved, To concur with the House in said reference.

Rec^d. from the House of representatives a bill entitled "An act appointing Commissioners to appropriate the County Grammar School lands in Franklin County, with an order on the same to refer it to a committee of two members to join from Council: which was read & Resolved, To concur with the House in their said reference, & Mr. Bliss was appointed on the part of Council.

Rec$^{d.}$ from the House a bill entitled "an act to pay Edward Fifield the sum therein mentioned," with an order of reference to the joint Committee of Claims; whereupon, Resolved, To concur with the House in their reference without reading.

An engrossed bill entitled "an act freeing & releasing the body of Jabez G. Fitch from arrest or imprisonment for the term of five years," sent from the House of representatives for the concurrence of the Council, was read, and on motion, Resolved, To propose the following amendment to said bill, viz. In the third section between the words "Jabez G. Fitch" in the 4th line and the word "who" in the 5th line, insert the words "Except the assignees of Zalmon Booth, appointed under a commission of Bankruptcy," and to concur in passing the said bill into a law with the above amendment.

The bill entitled "an act in addition to an act entitled an act directing the appointment of auditor or auditors of accounts in the Treasury department, and defining their several duties and directing the Treasurer in his office and duty &c." which had passed in Council & sent to the House for their concurrence, was returned with an order of reference to a committee of two members to join from Council: which being read, Resolved, To concur with the House in their reference, and Mr. Miller was appointed on the part of the Governor & Council.

A Bill entitled "An act relating to the Treasury department" was rec^{d} from the House of representatives with an order to refer the same to the last mentioned Committee: which was read & Resolved, To concur in the said reference.

Mr. Keyes introduced a bill entitled "an act annexing a part of the Town of Stockbridge to the Town of Pittsfield," which being read, Resolved, To refer the same to a committee of one member of Council to be joined by such Committee as the House may appoint, & Mr. Wright was accordingly appointed.

The Committee appointed on the 21st of October on the memorial of Samuel C. Crafts, Pliny Smith and William Cahoon, against Samuel Fletcher, Gamaliel Painter & Daniel Dana, made the following Report:

To the Honourable Council of the State of Vermont, now in session,—Your Committee, to whom was refered the memorial of Samuel C. Crafts, Pliny Smith and William Cahoon against Samuel Fletcher, Gamaliel Painter & Daniel Dana Esquires, with instructions to collect facts in relation to the votes for Councillors the present year, beg leave to report the following facts and evidence relative to the matters submitted to their enquiry.

First, — The joint [committee] of both Houses appointed on the 14th of this instant October, to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors, received, sorted and counted votes for the following candidates in numbers as set against their several names, viz.

William Hunter	16826	Zera Willoby	16752
Frederick Bliss	16823	John W. Chandler	16749
Elias Keyes	16817	Josiah Hubbard	16745
Beriah Loomis	16810	John Ellsworth	16744
W$^{m.}$ C. Harrington	16809	Moses Robinson	16741
Mark Richards	16812	Pliny Smith	16699
Horatio Seymour	16805	William Cahoon	16675
Josiah Wright	16768	Samuel C. Crafts	16642
Solomon Miller	16761	Chauncey Langdon	16672
Samuel Fletcher	16760	Jon$^{a.}$ H. Hubbard	16591
Gamaliel Painter	16755	Charles Bulkley	16576
Daniel Dana	16754	Joseph Woodworth	15301

Secondly—That said Committee of Canvassers did not proceed to open the certificate of votes for Councillors given in by the freemen of the Town of Colchester and County of Chittenden, but rejected the same and not receive, sort or count them.

That your committee have since, to wit, on the 25th day of October instant, applied to the Honorable Elias Keyes Esq$^{r.}$ chairman of said Committee of canvassers, in whose possession said certificate remained after it had been rejected, and who at the request of your committee opened the said certificate in their presence and made his certificate of his so doing on the same.

Your Committee further report the following to be a correct copy of said certificate, viz.

"At a freeman's meeting legally warned and holden at Colchester in the State of Vermont on the first Tuesday of September A. D. 1813, the votes for Councillors being duly taken, sorted and counted, the following persons had the number of votes annexed to their names respectively:

For Josiah Wright	258	votes.	Samuel Fletcher	38	Votes.
Mark Richards	258	Do.	Chauncey Langdon	38	Do.
Pliny Smith	258	Do.	Jonathan H. Hubbard	38	Do.
William Hunter	257	Do.	Gamaliel Painter	38	Do.
Horatio Seymour	258	Do.	Josiah Hubbard	38	Do.
Beriah Loomis	257	Do.	Solomon Miller	38	Do.
Wm. C. Harrington	257	Do.	John W. Chandler	38	Do.
William Cahoon	257	Do.	Charles Bulkley	38	Do.
Joseph Woodworth	258	Do.	Daniel Dana	38	Do.
Frederick Bliss	257	Do.	John Ellsworth	38	Do.
Saml. C. Crafts	258	Do.	Martin Chittenden	1	Do.
Elias Keyes	258	Do.	Jonas Galusha	1	Do.
Moses Robinson	38	Do.	Josiah Loomis	1	Do.

AMOS BOARDMAN, *first Constable.*
HEMAN ALLEN, *Town Clerk.*"

Your Committee further report, That it appears from the above certificate, and from the proceedings of the Committee of canvassers, that the votes received, sorted & counted for Samuel C. Crafts as Councillor amt. to 16642
Colchester votes not counted amt. to 258

amounting in the whole to 16900

That the votes sorted & counted as above for Pliny Smith amount to 16699
Colchester votes not counted amt. to 258

amounting in the whole to 16957

That the votes sorted & counted as above for William Cahoon amt. to 16675
Colchester votes not counted amt. to 257

amounting in the whole to 16932

That the votes sorted & counted as aforesaid for Gamaliel Painter amt. to 16755
Colchester votes not counted amt. to 38

amounting in the whole to 16793

That the votes sorted & counted as aforesaid for Samuel Fletcher amt. to 16760
Colchester votes not counted amt. to 38

amounting in the whole to 16798

That the votes sorted & counted as aforesaid for Daniel Dana amount to 16754
Colchester votes not counted amt. to 38

amounting in the whole to 16792

From which it appears that the memorialists, Samuel C. Crafts, Pliny Smith & William Cahoon had a greater number of votes for councillors than Samuel Fletcher, Gamaliel Painter & Daniel Dana Esquires, and if said votes of the freemen of the town of Colchester had been received, opened, sorted & counted the said Crafts, Smith & Cahoon would have been returned by the Committee of canvassers as duly and legally elected, as councillors for the year ensuing. And the said Fletcher, Painter & Dana would not have been returned elected as aforesaid.

Your Committee further report that they have examined into the grounds and evidence, which induced said committee of canvassers to neglect to open and to reject the votes of the freemen of the town of Colchester. It appears that they admitted and had read to them the following depositions, to wit,—

"William Munson, of Colchester, testifies and says, that the election for State officers &c. on the first Tuesday of September last, was holden at his house; that he was present during the whole time from the opening of the meeting until after the reception of the soldiers' votes; that he paid attention to all the proceedings of the meeting and particularly to the admission of soldiers to the right of suffrage. Some time previous to the hour appointed for opening the meeting, a large body of soldiers belonging to the United States army, then stationed at Burlington, were marched from camp, and after passing a little north of my house were paraded in a double line. They continued in this situation during the whole time without being permitted to leave the ranks even to procure any refreshment. About 8 or 10 officers, among whom was a man called Major McNeile,[1] and who seemed to have the principal command of the soldiers, accompanied them. The officers were very active in writing votes, which they gave to the noncommissioned officers, and ordered them to see that every soldier had his vote. Previous to voting the officers bought of me four gallons of rum, which I saw distributed and given to the soldiers. Particular exertions were made by the officers to prevent the citizens from having intercourse with the soldiers, and they were intimidated by their threats from making the attempt. Observing that democratic votes, exclusively, were distributed among the soldiers,

[1] Gen. JOHN MCNEIL, of Hillsborough, N. H., who entered the service as Captain in the 11th U. S. regiment March 12 1812, was appointed Major Aug. 15 1813, brevet Lt. Col. for the battle of Chippewa July 5 1814, brevet Col. for the battle of Niagara July 25 1814—in which he was severely wounded,—Lieut. Col. 1st U. S. Infantry Feb. 24 1818, brevet Brig. Gen. July 25 1824, Col. 1st Inf. April 28 1826. He was appointed Surveyor of the port of Boston in 1829, resigned his commission in the army April 23 1830, and died in Washington city Feb. 23 1850.—Drake's *Dic. of American Biography.*

and being led by some circumstances to believe that some of them would be glad to have votes for the federal ticket, I gave a parcel to some persons present, and desired them to go and give them to such of the soldiers as wished for them. They soon returned and said they dare not offer them, for the soldiers told them there would be difficulty ; upon which I went out myself and urged them to go along, telling them the soldiers dare not hurt them, and that they had a right to receive votes, if they pleased. The officers all soon collected together, and Major McNeile, after some other observations, said he hoped the citizens would not go near the soldiers, for that there might be some difficulty, and he should be sorry to have a quarrel between the soldiers and the citizens. I had not observed any misunderstanding on the part of the citizens, nor the least inclination to quarrel with the soldiers, and therefore suppose Major McNeile intended it as a threat to keep the citizens at a distance. There was no examination whatever by the selectmen, and civil authority of the town, whether the soldiers were resident in this State or not ; or whether they had previously been made freemen in any town in this State. The law was not read in their hearing, and no enquiry was made as to their names, their residence, or their moral character, and not the least tittle of evidence offered, except the assertion of Major McNeile, to use his own language, "that he would vouch for all his men." They were formed into three circles, and the common oaths administered to them in a body, as they stood in the rank, to each circle alternately, by the Hon. Heman Allen—but no list of their names & no record made of their being sworn. The soldiers were then told by McNeile, that they were freemen of this State, and when marched within less than 20 feet of a table which had been previously placed in front of my house for the convenience of their voting, that he dismissed them for the purpose of putting in their votes, and wished them to use all expedition. They appeared to be all furnished with votes, and there were none others at that time in sight. After their votes had been received, the soldiers were again marched away in military order. There were about one hundred & ninety votes received from the officers and soldiers. McNeile did not vote, stating that he was not a freeman of the State.

" Colchester Oct. 11, 1813. WM. MUNSON.

" Stephen Austin of Colchester testifies and says, that he came to the House of William Munson at an early hour of the day of election and was present during the day until after the result of the meeting was declared ; that he saw the soldiers paraded near Mr. Munson's in a double line, and knows that they continued in this situation until they were drawn up to be sworn. The officers were busy in writing democratic votes exclusively, & I saw no other distributed among the soldiers. I went out toward the soldiers with some votes for the federal ticket, and a young man, who was a nephew to me, who was a soldier in the ranks, and in whom I had confidence, told me it would be of no use, for that his captain told the company before they came from the camp, that if any soldier was known to vote for the federal ticket, he would be cobbed when he got back. Another soldier told me that his officers stated to them after they were paraded at Mr. Munson's, that he did not bring them to vote on the federal ticket, and that he expected all who came with him would vote as he did, and that if they did not they should be punished, when they got back. He further said his officer offered a vote to another soldier and he did not wish to put it in, and that his officer said if he did not he should be punished.

The officers appeared to take great pains to keep the soldiers together and to prevent the citizens going near them. I heard Major McNeile observe, that he did not wish to have the citizens have any thing to do

with his men : that he calculated to take care of his men, and did not thank any of the citizens to take any of his soldiers out and converse with them. I saw the soldiers formed into three circles, and was as near them as I could get when the oaths were administered. There was no examination of the soldiers and am sure there was no evidence offered to prove their citizenship, or their moral characters, and no record made of their being sworn, and no list taken of their names, and they were all sworn *en masse*. I know that the law was not read to the soldiers. Some one of the officers told the soldiers, after they were sworn and while they were near the table, that they were dismissed from the care of any officer, and to vote the same as other citizens.

" STEPHEN AUSTIN.

"William Austin of Colchester testifies and says, that he came to the house of Mr. Munson in Colchester on the first Tuesday of September last before the votes were received from the soldiers. He saw the soldiers paraded and knows they were kept embodied without being permitted to have any intercourse with the citizens. He was present when they were sworn & knows that no examination was made by the selectmen & civil authority of the town, whether the soldiers were freemen of the State or not, or how long they had resided in it, and that no evidence was adduced on that subject. I saw the soldiers when they were brought round to vote, and when near the table they were dismissed, and told that they were at liberty to vote the same as other citizens. I heard one of the soldiers say that his officer told his men, that if any of them voted for the federal ticket, they should be punished when they got back to camp. I also heard another soldier say that his officer told them before they left the camp to the same effect.

" WILLIAM AUSTIN.

" Ebenezer Lyon of Colchester testifies and says, that he came to the house of William Munson in said town on the first Tuesday of September last, previously to any votes being received. When I arrived I saw a large number of soldiers paraded in a double line near Mr. Munson's house, where they were continued until their votes were received. I was present during the whole meeting and saw Judge Allen when he went out with the statute to administer the oaths to them ; but did not hear any examination of them whether they were citizens of the State, or not, or how long they had resided in this State, or whether they were of moral character, or not, nor did I hear any evidence whatever offered on the subject. When near the table, I should say within ten feet, they were dismissed by the Major, and told they might give in their votes, which they did, and went away. EBENEZER LYON.

" Colchester Oct^r 11, 1813.

"I Oliver Newell of Colchester testify and say I was present at the freemens' meeting in said Colchester on the first Tuesday of September last, and saw the soldiers paraded in front or near the house where the meeting was held. The officers prepared votes for the soldiers, and directed an under officer (as I supposed him to be) to see that every soldier had his vote and to see that they put them in. I saw the votes, and all which I saw were for Jonas Galusha, Paul Brigham and for the democratic candidates for council, and I do not believe any other were distributed among the soldiers by the officers. The soldiers were marched up in three squads, or parties, and sworn by Esq. Allen. I stood within about 15 or 20 feet of Esq. Allen, when he swore them. I heard no examination by Esq. Allen, or any other person, as to their residence, or other qualifications, nor do I believe there was any except that McNeile, the commanding officer, told the soldiers, if any of them

were not old enough to vote to step out. They stood near the boxes, when they were sworn, and after they were sworn the commanding officer said to them, you are now dismissed, and can vote as other citizens, or to that import. They went directly to the boxes, and, I believe, they all voted and put in the tickets which had been distributed among them. I am confident the law was not read to the soldiers, or in their hearing, for the meeting was opened in the chamber and the law read there, and the soldiers were paraded in the streets at the same time, and the votes of the soldiers were taken out of doors in front of the house and no law read to them, as I heard or believe, and further this deponent saith not. OLIVER NEWELL.

" Oct. 11, 1813.

" James L. Sawyer of Burlington deposes and says. that a few days since he heard Lieut. Benja. Smead of the 11th Regt. of U. S. Infantry in conversation observe, that feeling himself injured by the refusal of his vote by the civil authority of Burlington at the September election 1812, he felt determined to avail himself of the advantages, which the law passed the last session of the legislature permitting the soldiers to vote, gave him as an officer in the army. He said that he commanded a company in which there were about thirty federalists, and that at the last election he took particular care that those thirty should be occupied in camp while the remainder of his company furnished with votes for the democratic ticket were permitted to leave camp and vote in Colchester. This deponent is not positive that Lieut. Smead observed that there were thirty federalists in his company detained in camp, but he thinks this number was mentioned by him. He was positive in saying that none of the federalists in his company were allowed by him to leave the camp : and further the deponent saith not. JAMES L. SAWYER.

" Burlington 11 Oct. 1813.

" All the foregoing depositions sworn to before *Francis Childs, Just. Peace.*

"George Deming of Burlington in the County of Chittenden testifies and says that he was present in company with Major McNeile on the evening after the election in September last. That many complaints were made by those present of the conduct of the officers with respect to the election in threatening the soldiers and changing their votes. That I heard Major McNeile say in reply that he had not conducted so bad as that, but I can tell you, said he, what I did do, and went on to say that on the morning of the election, after being informed that he might have liberty to conduct a party of troops to Colchester, he addressed the troops when on parade and stated to them that this was the day of freemen's meeting, and that they might have liberty to go to the polls and put in their votes—but that he wished none to go but such as would vote as he did ; that after marching the party to Colchester, one of his men came to him and told him he had always voted with the democrats, but that he felt it his duty to act on different principles and should vote for the federal ticket ; that he, McNeile, told him he was a damned rascal, that he had told them that he wished none to come with them but such as would vote as he did ; that he would mark him, and remember him for it. *Burlington, Oct^r.* 11, 1813.

" GEO: DEMING.

"I was present when the above conversation took place and it is according as I understand it. MOSES CATLIN."

" October 11th, 1813. Sworn before *John Johnson Just^ce Peace.*"

Your Committee further state that the foregoing depositions appear to have been taken to impeach the doings at the freemen's meeting in

Colchester and that, from the certificates of the magistrates, who swore the deponents, it does not appear that either the presiding officer, or civil authority, or any of the freemen of the town of Colchester were cited to appear, or were present at the caption of the depositions. Your committee would farther remark that the Honourable Heman Allen, Town Clerk of said town of Colchester, testified before said canvassing committee and stated the same in substance as is stated in his deposition, which your committee have given at length in the subsequent part of this report.

Your committee further report that in obedience to the order of the Council to collect all the facts in relation to this subject, they have considered it their duty to collect other evidence, that was not before the committee of canvassers; and have taken the following depositions, of persons composing the civil authority of Colchester, the Town Clerk, the magistrate who took most of the foregoing depositions, and who acted as one of the civil authority of said town. and the depositions of the soldiers who voted at said freemen's meeting.

"Heman Allen of Colchester in the County of Chittenden and State of Vermont, testifies and says, that on the first Tuesday of September last he attended freemen's meeting in said Colchester at the dwelling house of William Munson Esquire in said town, that the presiding officer of said meeting opened the same at the usual time, and as town Clerk of said town, this deponent then read publicly all the statutes required by law to be read on such occasions: That previous to the opening of the meeting a number of officers and soldiers came to the place of our meeting with a view, as I understood, of voting for State officers: That soon after the reading of the laws was finished, Captain Wright, belonging to this State, applied to the selectmen and civil authority for permission for the officers and soldiers belonging to this State and freemen thereof, and who were then present, to be admitted to vote for State officers. After some consultation by the selectmen and civil authority of said town, and at the solicitation of the said William Munson, it was agreed to place a table near the door of said Munson's house, and that as the officers and soldiers were some distance from camp, their votes should be taken prior to those of the citizens of said town: That the officers then pledged themselves that they knew of no soldiers then present who were not freemen of this State, or by their residence therein not entitled to take the freemen's oath; but, to render it more certain, the selectmen and civil authority requested this deponent to administer to the said soldiers the oath of allegiance to this State, the freemen's oath, and the oath to support the constitution of the United States: That the soldiers were then drawn up in a circle near the said selectmen and civil authority, in three divisions, that this deponent then went into the circle at three different times, accompanied by one or more of the said selectmen and civil authority;—in every case the question was distinctly asked—Are there any of you who are not freemen of this State, or by your residence in said State not entitled to the freemen's oath? and if so you will step out of the ranks; that a number of the said soldiers did step out of the ranks, and that those who remained then took the aforesaid oaths; that in each case after administering the oaths aforesaid, the said soldiers were dismissed by their officers and informed that they were then at liberty to exercise the rights of freemen; that the soldiers then came to the poll as they pleased and delivered their votes for State officers to the presiding officer of said meeting; during which time I saw no coercion or interference on the part of the officers.—After which was completed, the officers presented themselves to vote, and at the suggestion of Francis Child Esquire, a justice of the peace in said town, the

votes of the officers belonging to this State were taken without their being sworn, on the assurance that they had before that time been sworn as freemen of this State : That the ballots for councillors given by said officers and soldiers were kept and counted separate from the citizens' votes, though they were all certified together afterwards, by which it appeared that there was about one hundred & ninety-five ballots for councillors given in by the officers and soldiers, four or five of which were for the federal ticket, so called, headed by Moses Robinson, and the residue of said ballots were for the republican ticket, so called, headed by Josiah Wright. The said selectmen and civil authority were unanimous in the opinion that this was the safest mode they could pursue ; and this deponent believes that at the time the procedure gave general satisfaction. It is true no roll was kept of the names of the officers and soldiers who voted, neither was the law read to them in the main body, though some of the officers and soldiers were present in the house during the reading of said laws. This deponent knew of no law which required the town clerk of any town in this State to keep a roll of the names of voters for State officers : That he considered those men as freemen of the State, formerly admitted in the several towns to which they belonged, and not as freemen of the town of Colchester then newly admitted: That the innkeeper of said house, Mr. Munson, was opposed to the soldiers coming into the house at all, which was perhaps one reason why all the soldiers were not present at the reading of the laws, and why spirits were given them by their officers, they having marched about eight miles from the place of their encampment to the place of voting as aforesaid : That some of the officers informed this deponent that a part of the officers and soldiers had gone to Burlington to vote and they were apprehensive that the whole of the votes could not be taken there, was the reason of their coming to Colchester. And this deponent further says, that when the soldiers delivered their votes to the presiding officer, many of them had certificates of their having been freemen before, and this deponent had no doubt at the time but that the whole of the officers & soldiers, who voted as aforesaid, were either freemen of this State, or entitled to take the freeman's oath : And further says not.

"HEMAN ALLEN."[1]

"Sworn before *George Rich, Just. Peace.*

"We Ebenezer M. Farrington, Justice of the peace in & for the County of Chittenden, and Nathan Bryan, one of the selectmen of Colchester and both inhabitants of Colchester in the County of Chittenden, do testify and say that we attended freemen's meeting in said town of Colchester on the first tuesday of September 1813, and that we acted as civil authority by virtue of our respective offices on said day : That Major McNeile with a number of officers and soldiers came to the place where the meeting was held, and some of them came into the room and informed us that they had come for the purpose of voting in said meeting ; as soon after this as it was convenient we set a table out in front of the house, at which the civil authority of the town attended for the purpose of taking said votes ; it was then concluded by the civil authority to examine the soldiers so far as to be convinced that they were inhabitants of the State of Vermont, and either freemen or eligible to be made such. We then requested Major McNeile to parade his men and have them in a situation to be examined, which he did, a part of them

[1] There are many errors in the record of the foregoing depositions in the Council journal, the most of which have been corrected from the record in the Assembly journal.

by forming them in a circle. We then went into the circle accompanied by Judge Allen, and made a particular inquiry of the officers and soldiers, whether they were freemen of this State, or eligible to become such by taking the necessary oaths, whether any of them were under age, or had not been a sufficient time in the State. After those who could not give sufficient assurances, had left the ranks, the freeman's oath, the oath of allegiance to this State, and to support the constitution of the United States were duly administered by Judge Allen, the town clerk. Major McNeile then informed the soldiers, who were sworn as above, that they were dismissed and at liberty to make use of their privilege as freemen by voting for whom they pleased. The persons sworn then proceeded to give in their votes, and a second circle of the soldiers were proceeded with in the same way, and after that a third. The votes of the said soldiers for councillors were taken in a separate box from those of the Inhabitants of Colchester, and on examination we found that five of the soldiers had voted for the federal ticket, so called, and the remainder for the republican ticket. During the proceedings of the day we saw no unfair conduct, nor any compulsion whatever made use of by the officers towards the soldiers. The officers and soldiers were all entirely without arms. E. M. Farrington,
Nathan Bryan.

"Sworn before *John Johnson Just. of Peace.*

"I Eli Baker Jun., one of the selectmen of the town of Colchester, attended freemen's meeting on the first Tuesday of September A. D. 1813 in said Colchester, and acted as one of the civil authority of said Town. I did not go into the circle to examine the soldiers, as stated in the foregoing affidavit, but am knowing to all the principal facts therein stated, and so far as I am knowing to them I consider the same to be true. Eli Baker Jun.

"Sworn to before *John Johnson Just. of Peace.*

"I William Hine, one of the selectmen of Colchester, attended freemen's meeting in said Town on the first tuesday of September 1813: When I got there the soldiers had nearly finished voting. I attended while the inhabitants had finished voting and did not see nor hear anything but that the whole of the business was fairly conducted. The foregoing statements, so far as they came to my knowledge, are correct.
" Wm. Hine.

"Sworn before *John Johnson Just. Peace.*

"I Francis Childs of Colchester in the County of Chittenden and State of Vermont, and one of the Justices of the peace for said County, do testify and say that on the seventh day of September last, I attended at the freemen's meeting in said Colchester at the house of William Munson, in said town; that I came to the meeting, as I now suppose, at some time before two o'clock, that I found two of the selectmen, one of the Justices of the peace for the town & County, the town clerk and first constable of said town sitting at a table out of doors at the east front of Mr. Munson's house, apparently about to proceed to take in votes: that I also took a seat at said table, as a Justice of the peace; that I was informed by the authority there present, that they were about to receive the votes of the soldiers, and that they were about to swear them. I saw several parties of soldiers brought forward to be sworn, and saw his Honor Judge Allen, who is town clerk of said Colchester, proceeded to administer, and as I believe did administer the oaths required by law for freemen to said soldiers. I did not go into the ring, nor hear any observations made there: That the several parties of soldiers as sworn handed in their votes to the constable, who received the same and placed

them in a box prepared for that purpose. After the soldiers had voted, several of the officers came forward to be sworn and to vote ; that on my suggestion they were admitted to vote without being sworn, they assuring that they had a legal right to vote : That as soon as the officers and soldiers had voted out of doors, the election by the citizens of the town commenced, and was conducted in the house : That during the time I attended at the said election, I did not see nor hear of any abusive, indecent, or insulting conduct by any one. FRANCIS CHILDS.

"Sworn before *John Johnson, Just. Peace.*

"We the subscribers, inhabitants of the Town of Colchester in the State of Vermont, and duly qualified and sworn as freemen of said State, do testify and say that we attended freemen's meeting in said Colchester on the first tuesday of September 1813, and voted for the following persons as State officers for the year ensuing, to wit—Jonas Galusha, for Governor. Paul Brigham, for Lieut. Governor. Josiah Wright, Mark Richards, Pliny Smith, Elias Keyes, William Hunter, Horatio Seymour, Beriah Loomis, Wm. C. Harrington, William Cahoon, Joseph Woodworth, Frederick Bliss & Samuel C. Crafts, for Councillors.—Which votes we severally delivered to the presiding officer of said meeting in open meeting or put the same into the several boxes in his presence and under his inspection.

"Ira H. Allen, E. M. Farrington, Joseph Fleming, Jabez Penniman, Chauncey Hulburd, John Dunawan, Casel Sibby, Ebenezer Siverance, Nickerson Siverance, William Hurlburd, Ebenezer Wolcott, Samuel Whitney, Cato Pollison, Elijah Wolcott, Abner Mack, Elijah Wolcott Jun. Nathan Bryan, Evans Chance, John Allan.

"The above sworn before *John Johnson, Just. Peace.*

"Andrew Ellis, Benj[a.] D. Hinman, Hez. Hine (except Lt. Govr,) James Nichols, David Farrand, Isaac Thompson, Timothy Farrand, Andrew Davis, John Hyde, Daniel Richardson, Caleb Brown, Jesse Brown, Laban Harris, Joseph Place, Wyman Hill, George Bates, Amos Mansfield, Thomas Greenough, Edward Farrington, David Bean, Henry B. Fisher, Eli Baker Jun. Benj. Boardman, Jacob Rolfe, Amos Boardman, Elias Porter, Jeremiah Brownell, John Place, Walter Ames, Asaph Butler, Moses Bates, David Giffen, William Hyde Jun. Ebenezer Johnson.

"Sworn before *E. M. Farrington, Just. Peace.*

"We whose names are hereunto subscribed, to wit, Martius L. Selden of Bennington, Daniel Griswold of Johnson, and James Johnson of Middlebury, testify and say, that we were at Colchester in the State of Vermont on the first tuesday of September 1813, and that at the time the soldiers there voted they were dismissed by their officers and were told by the officers to go and vote for whom they would, and we testify there was no compulsion or force used to prevail on them to vote otherwise than they chose. JAMES JOHNSON, *Lt 30th Regt. U. S. Infantry.*
MARTIUS L. SELDEN, *Lt. 30th Infantry.*
DANIEL GRISWOLD, *Ensign.*

"Sworn before *Gates Hoit, Clerk of Franklin County State of New York.*

"The undersigned, Abel Steel of Putney, John Stanley, Chelsea; Caleb Briggs, Danby; Ezra Porter, Stockbridge ; David Moody, Stowe ; John Tibbetts, Waterbury ; Jon[a.] Hunter, Shoreham ; Dennis McBride, Bennington ; Jacob Wheeler, Brandon ; Ansel Birge, Underhill ; Andrew Arnold, Randolph; Stephen Sharp, Williston; Leonard Cooly, Vershire; William Downing, Middletown; Alfred Ammidon, Randolph; Solomon Kingsley, Poultney ; Samuel P. Downing, Chelsea ; Wells C. Flanders, Chelsea ; Darius Stevens, Bennington ; Samuel Jones, Vershire ; Asa Ames, Tunbridge; Chester Williams, Sunderland; Lyman Buck, Roch-

ester; Freeworthy Hacket, Strafford; Elnathan Ellis, Colchester; Rowland Kellogg, Middlebury; David Curtis, Swanton; David Patch, Colchester; John Thompson, Rutland; Smith Hoden, Alburgh; Ebenr. Rogers, Hartland; John Lovell, Pomfret; Thomas Law, Manchester; Joseph Maynard, Milton; Samuel Smith, Hartland; Ebenezer Green, Whiting; Harding H. King, Shoreham; William C. Wait, Bridport; Josiah Richardson, Dorset; Moses Glazier, Weathersfield; Jedidiah Purdy, Pownal; Joseph Angel, Pownal; Frederick C. Gilbert, Pownal; Roswell Green, Pownal; David Jepson, Pownal; John Magoon, Pownal; Abel Lewis, Pownal; Benjn. Grover, Pownal; James Lloyd, Pownal; Daniel Spencer, Pownal; Asa Swan, Jun. Pownal; Abel Pratt, Pownal; Solomon Bates, Pownal; Seth Keyes, Pownal; Wm. Cummings, Pownal; John Turner, Pownal; Gideon Towsley, Dorset; David Enos, Ferrisburgh; Oliver Smith, Clarendon; Thomas Halloway, Alburgh; Amos Fuller, Clarendon; Peter Jourdan, Vergennes; Joseph Beers, Starksboro; Isaac Wells, Salisbury; Oliver Farewell, Fairfax; Walter Harris, Sunderland; John Keyser, Jr. Bennington; Joseph Maynard, Bennington; Joseph Day, Bennington; Gideon Brownson, Sunderland; Martius L. Selden, Bennington; Seth W. Stewart, Bennington; Henry Jones, Shoreham; Stephen Bernard, Townsend; Isaac Baker, Swanton; Samuel Gibson, Enosburgh; Isaac Clark, Dorset; John Lamfere, Westford; Samuel Rich, Shoreham; Elisha Bennett, Shoreham; Roswell Pettibone, Manchester; Elijah Burton, Jun. Manchester; Lovell Hill, Dorset; Daniel Southerland, Dorset; Joseph Jacobs, Dorset; John W. Robinson, Dorset; Ebenezer Lyman, Brandon; Ebenezer Smith, Pittsford; Abner Needham, Pittsford; John Barnes, Jun. Pittsford; Asa Acher, Landgrove; Asa Farnum, Landgrove; Sebrian Taylor, Andover; Eli Moseley, Philadelphia; Joseph Fields, Sandgate; Nathaniel Sanford, Jun. Sandgate; Samuel Pettengill, Andover; Parley Towle, Winhall; Nicholas Westcourt, Clarendon; Almiran Smith, Shoreham; John W. Drury, Castleton; David Shepard, Castleton; Theodore King, Jun. Castleton; William Patterson, Castleton; Bradley Bliss, Castleton; Pliny H. Snow, Castleton; John Brown, Poultney; Caleb Dickerman, Poultney; Charles Abrahams, Poultney; Luther Marshall, Poultney; Philetus Brookins, Poultney; Russell Pitkin, Poultney; Amasa Thatcher, Poultney; Anthony Philips, Poultney; Humphrey Goreham, Ira; David L. Whitehead, Middletown; Isaiah Smith, Middletown; Daniel Griswold, Johnson; Daniel Perkins, Johnson; Elisha Smith, Pawlet; William Jones, Pawlet; Paul Cook, Orwell; Thomas Parker, Irasburgh; Alexander H. Avery, St. Albans; John Strong, Sheldon; Samuel Austin, Colchester; James Sanderson, Colchester; Stephen Mansfield, Colchester; Paul Keyser, Colchester; William Hyde, Colchester; Thomas Hill, Colchester; George Downing, Colchester; Seth Cary, Colchester; Simeon Wright, Cornwall; Joel Harrington, Cornwall; James Goodyear, Cornwall; James Johnson, Middlebury; Leml. Leddington, Middlebury; Chauncey R. Johnson, Burlington; Salmon Johnson, Colchester; Zebina Orcutt, Chittenden; James Jackson, Pittsford; David Jackson, Pittsford; Benjamin G. Goodrich, Pittsford; Elisha Cox, Pittsford; Carman McGregor, Pittsford; Lemuel Dean, Stockbridge; James Brown, Peacham; Reuben Stevens, Rutland; Anthony Taylor, Rutland; David Durkee, Rutland; John Sylvester, Pittsford; Daniel Carpenter, Hydepark; Jeremiah York, Randolph;[1] Abel Hubbard, Randolph; Moses

[1] Joseph York of Ogdensburgh, formerly of Claremont, N. H. and Randolph, Vt., distinguished himself in the war.—See *Lossing's Field Book of the War of* 1812, p. 580, for biographical notice and portrait.

Whipple, Randolph ; Ichabod C. Watson, Vershire ; Thomas Glines, Corinth ; Nathaniel B. Taplin, Corinth ; John Fellows, Corinth ; Jonathan Avery, Strafford; Joel Lyon, Strafford; Willard Robbins, Hancock; John B. Parker, Hancock ; Jesse Farewell, Hancock ; Lem[l.] Williams, Chelsea ; Nahum H. Whitney, Chelsea ; Harry Hatch, Chelsea ; Rufus West, Braintree; Sampson Thurston, Orange; Horace Campbell, Rochester; James Emery, Tunbridge; Jonathan Roberts, Strafford, all being of the State of Vermont, doth each for himself testify that he gave his vote for Councillors of the State of Vermont in the town of Colchester in said State, under direction of the authority of said town of Colchester, on the first tuesday of September 1813, & that previous to his giving his vote as aforesaid, he was a freeman of said State, and had been duly sworn as such freeman; and that each for himself voted freely, and without any compulsion from any person whatsoever. And further saith not.

"The above affidavits subscribed by the above deponents, and sworn to Franklin County, State of New York, October 20th, 1813, before

" GATES HOIT, *Clerk of said County.*"

Your Committee find that the votes returned in the certificate of votes for Councillors from the town of Washington in the County of Orange was varied by the canvassing Committee, as follows, to wit : The number certified for the republican ticket was reduced twelve, and eight added to the number certified for the federal ticket. The facts in relation to these votes are principally detailed in the subjoined affidavit of Daniel Peasley Esq.

"Daniel Peasley of Washington in Orange County testifies and says, That he was present at the freeman's meeting in Washington in September last, and that toward the close of the meeting it was proposed that a list of the names of the twelve men should be made to be voted for as councillors ; that the names of the republican candidates for councillors were accordingly written on a piece of paper, and placed on the table before the authority of the town. In presence of the authority 10 or 12 freemen signed the list. After they had signed, the constable took the ticket & called each man by name, and asked him if the list of names, which he had subscribed, were the names of the persons whom he wished to have for councillors. Each answered separately in the affirmative. The ticket was then put into the boxes. On counting the councillors' votes, it appeared there were 29 for the federal ticket and 69 for the republican ticket. The said Peasley also says he was present before the canvassing committee, when the Washington votes were presented. Objections were made to the counting of these votes and evidence was offered to shew that the certificate of the constable was incorrect. It was stated that he had returned by his certificate 29 federal councillor votes, and 69 republican councillor votes, and it being proved that 12 of the freemen had voted by subscribing a ticket as is above mentioned, for this reason therefore 12 votes were deducted from the republican ticket. Depositions were then produced in which it was attempted to be shewn that 37 persons voted for the federal ticket ; several of the deponents stated that they had received votes of certain other persons, which they put into the box. These certain other persons' depositions were also produced to prove that the votes aforesaid given by them to the aforesaid deponents, were federal, or peace tickets, the same as published in the Washingtonian paper. This testimony by a majority of said committee was deemed sufficient to justify the addition of eight to the federal ticket. The constable, who presided in the freeman's meeting in Washington, (always considered himself a federalist and is reputed an honest, upright man,) was present before the canvassing committee, and

swore that he saw or knew of no unfairness in counting the votes, or in any other proceeding in said freeman's meeting. The town clerk and one of the selectmen of the town were present before the canvassing committee, and confirmed by their testimony the statement of the constable relative to the proceedings in said freemen's meeting.

"Novr. 4, 1813. DANIEL PEASLEY.

"Sworn before *Josiah Wright, Councillor.*"

Your Committee farther report That there were several other towns, whose votes were rejected by the canvassing committee, in whole or in part; but your committee having ascertained that their being rejected or counted would not vary the result, your committee have not thought it necessary to give the details in this report; but would state, that whether the other votes, that were rejected by the canvassing committee, had been counted or rejected, the result would still have been, that if the votes of the soldiers, who voted at Colchester and who in their depositions swear that they were freemen of this State & voted without any compulsion, and the votes of freemen, inhabitants of Colchester, had been *received*, sorted & counted, the said Samuel C. Crafts, Pliny Smith and William Cahoon would have been elected councillors for the year ensuing in the room of the said Samuel Fletcher, Gamaliel Painter, and Daniel Dana.

From an attentive review of the facts above stated, your committee are clearly of opinion that the votes returned from Colchester ought to have been counted by the canvassing Committee, and that provision by law securing the due effects of the rights of suffrage ought to be made. Your Committee therefore beg leave to recommend the adoption of the following resolution, viz. Resolved, that a committee of three be raised to join such committee as may be appointed from the house of representatives to take into consideration the foregoing statement of facts, and to devise suitable rules, by which future canvassing committees shall be governed in receiving, sorting and counting votes for Governor, Lieut. Governor and Councillors, to report by bill or otherwise; & that this resolve be sent to the house of representatives for their concurrence, together with this report.

All which is submitted. JOSIAH WRIGHT, HORATIO SEYMOUR, WM. C. HARRINGTON, WM. HUNTER. } *Committee.*

Which report was read, and on motion to recommit the same, it was decided in the negative:— Whereupon Resolved, To accept the said report.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Recd. from the House of representatives a resolution that, the Governor & Council concurring therein, the committee raised on the resolution introduced by Mr. Chipman, on the 28th October A. D. 1813, be instructed to hear evidence relative to the separate judgment rendered against John Willard by the Commissioners appointed by an act of the [last session of the legislature] to settle with the directors of the Middlebury branch of the State Bank &c. which being read, On motion, Resolved, That the following amendment be proposed to said resolution,— erase the words "the committee raised on the resolution introduced by Mr. Chipman on the 28th October A. D. 1813, be instructed," and insert the words, "a committee be raised to join from Council," & that the resolution be adopted with the above amendment.

Mr. Harrington, appointed for that purpose, reported the following as the reasons for nonconcurring in the reference of the petition of Abraham Alger Jun. & others :

"To the General Assembly now in session, — The Council have nonconcurred in a reference of the petition of Abraham Alger Jun. Samuel Hildreth, Noah Alger, Stephen Hildreth, and Amos Hallock, for the following reasons : *First*, because the petitioners have, in their petition, made use of very unbecoming and highly improper language, which in sentiment evinces a spirit of insubordination destructive to military discipline, and which ought never to be sanctioned or in the least degree encouraged by the legislature. *Secondly*, because the petitioners have departed from the professed object of their petition, that of obtaining relief, and have pursued the unbecoming object of reproaching the motives and conduct not only of their military officers, but of the government. *Thirdly*, because, if the legislature should grant to the petitioners the relief prayed for, it would be sanctioning the very indecent & unbecoming language contained in their petition, and would, in the opinion of the Council, be declaring to the world that the government of Vermont has unconstitutionally & maliciously oppressed and abused the petitioners."

Which was read & it was Resolved, That the same be adopted & sent to the House.

Adjourned to 9 O'clock tomorrow morning.

FRIDAY November 12, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of representatives the following engrossed bills, sent up for revision & concurrence or proposals of amendment, viz. "An act directing the Treasurer to pay Solomon Walbridge the sum therein mentioned ; An act restoring Matthew Smith to his legal privileges ; An act for the relief of Isaac Hinman ; An act to revive an act therein mentioned ; An act in alteration of the several statutes directing listers in their office and duty ; An act constituting a company of artillery in Rockingham; An act for the relief of James O. Walker; An act granting to Jedidiah Richardson the right of a ferry ; An act for the relief of Benajah Douglass," and "An act appointing a committee to lay out & survey a road from the turnpike in Washington to Connecticut River," which being severally read, Resolved, To concur with the House of representatives in passing the same into laws.

Rec$^{d.}$ from the House an engrossed bill entitled "An act to repeal an act therein mentioned," which was read, and on the question, Will the Council concur in passing said bill into a law, it was decided in the negative, and Mr. Harrington was appointed to draw up & report amendments.

Mr. Harrington introduced the following resolution :

IN COUNCIL, Montpelier Nov. 11, 1813.

Resolved, the House of representatives concurring herein, that a committee of three be appointed, to join such committee as the House of Representatives may appoint, to take into consideration the report of the Committee of the Council, appointed to take into consideration the proceedings of the late canvassing committee, and to devise suitable rules, by which future canvassing Committees shall be governed, in receiving, sorting and counting votes for Governor, Lieut. Governor, Treasurer & Councillors, to report by bill or otherwise:

Which was read & Resolved, that the same be adopted, and His Honour Gov. Chamberlain, Messrs. Seymour & Hunter were appointed accordingly.

The engrossed bill sent up from the House of representatives, for concurrence &c. entitled "An act to repeal an act entitled an act suspending civil process against the persons and property of the officers & soldiers of this State, while in service," was called up and read, Whereupon, on motion, Resolved, that the following amendment be proposed to said bill, viz. add the following proviso—"Provided nevertheless that said act shall remain in full force and effect as to the suspending of civil process founded on contract against the non-commissioned [officers] and soldiers, belonging to this State, now in the service of the United States, so long as they shall continue in such service: Provided, also, that this repeal shall not operate to take away the defence of those who are discharged from service in actions commenced upon contract previous to their discharge"—and Resolved, To concur with the House in passing said bill into a law, with the above proposed amendment. And Mr. Harrington was appointed to return the bill and assign the reasons for the amendment.[1]

An engrossed bill entitled an act repealing an act entitled an act directing the deed of Job & Theoda Wood to be given in evidence, sent up from the House of representatives for concurrence, was called up & read and on motion Resolved, That the following amendments be proposed to said bill, viz. Strike out in the title the word "repealing" and insert the word "continuing," & in the last line erase the word "repealed" and insert the words "continued in full force & effect:" and That the Council concur with the House in passing the same into a law, with the above amendments; and Mr. Wright was appointed to assign the reasons to the House.[2]

A bill entitled "An act appointing a committee to rectify the survey, and, if they think fit, to alter the County road from Guildhall to Danville, between the dwelling houses of Aaron Fisk and the widow Catharine Perkins in said Guildhall &c." introduced into the Council, was called up and read,—Whereupon, Resolved, That the same pass to be sent to the House of Representatives for their concurrence.

Adjourned to 2 o'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment.

Rec^{d} from the House a resolution appointing a committee to join such committee as the Council may appoint, to take into consideration the several reports of the Commissary General,—which was read & Resolved, To concur with the House in their resolution, and Mr. Keyes was appointed on the part of Council.

Rec^{d} from the House of Representatives the following engrossed bills, sent up for concurrence, viz. "An [act] for the relief of John Mer-

[1] The Council of Censors had earnestly recommended the repeal of the act of 1812, suspending civil process against officers and soldiers while in service, as being in violation of several provisions of the constitution of the United States, and also of Vermont.—See printed *Assembly Journal* of 1813, p. 41.

[2] The Council of Censors had recommended the repeal in question, on the ground that the deed was absolutely void, and the act therefore unconstitutional.—See printed *Assembly Journal* of 1813, p. 53. The object of the Council in proposing this amendment was to preserve their power to suspend the bill until the next legislature, which was done.

riam; An act in addition to an act entitled an act ascertaining the principles on which the list of this State shall be made and directing the listers in their office & duty; An act authorizing the Treasurer of this State to pay the sum therein mentioned; An [act] for the relief of James Johnson; An act for the relief of Joshua Dupy; An act to explain an act entitled an act for regulating and governing the militia of this State; An act directing the mode [of] adjusting and paying certain claims therein mentioned; An act laying a tax of three cents per acre on Salem," and "An act in addition to an act entitled an act constituting the Supreme Court," which being severally read, it was Resolved, To concur in passing the same into laws.

An engrossed bill entitled "an act for the relief of Amasa Brown," sent up from the House of representatives for concurrence, was called [up] & read: whereupon, Resolved, That the following amendments be proposed to the said bill,—Erase the word "three" in the title, and in the 12th line of the enacting part of the bill, and insert the word "five," and that the Council concur with the House in passing the same into a law with the above amendments; and Mr. Wright was appointed to assign the reasons of the Council for their proposed amendments to the House of representatives.

The Commissary General's report to the Commander-in-chief was rec^{d}. from the House of Representatives, with an order to refer the same to the joint committee raised to take into consideration this subject, was read, and Resolved, To concur with the House in their order of reference.

Adjourned to 9 O'clock tomorrow morning.

SATURDAY November 13, 1813. 9 O'clock A. M.

Council met pursuant to adjournment.

The resolution of the House of representatives, to which the Council proposed an amendment so as to raise a committee to take into consideration the separate judgment rendered against John Willard, in favor of the Bank, was returned from the House concurred, and Messrs. Miller, Hunter & Loomis were appointed a committee on the part of the Council to join the Committee of the House.

Rec^{d}. from the House of Representatives the following engrossed bills, sent up for concurrence, viz. "An act empowering the Congregational Society in Middletown to collect certain notes in the name of their Treasurer; An act granting a ferry to Isaac and Peirce Hawley," and "An act in addition to an act entitled an act reducing into one the several acts for laying out highways," which being severally read, Resolved, To concur in passing the same into laws.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

The Committee appointed on the bill entitled "an act annexing a part of Stockbridge to the town of Pittsfield" made report, that in their opinion the bill ought to pass & become a law: which being read was accepted and on motion Resolved, That said bill pass to be sent to the House of representatives for their concurrence.

An engrossed bill entitled "an act establishing a County Grammar School in the County of Jefferson" [now Washington,] sent up from the House of Representatives for concurrence, was called up and read, and, on motion, Resolved, That the following amendment be proposed to said bill, viz. "*Provided always*, and it is hereby further enacted, that

nothing in this act contained shall be construed to prevent the Trustees of Caledonia County Grammar School from receiving the rents which may accrue on leases made by them of any lands lying within the original limits of the County of Caledonia for the term of two years from the passing of this act;" and that the Council concur with the House of Representatives in passing said bill into a law, with the above amendment: and His Honour Lt. Gov. Chamberlain was appointed to assign the reasons for the amendment to the House.

Adjourned to 9 o'clock Monday morning.

MONDAY November 15th, 1813. 9 o'clock A. M.

Council met pursuant to adjournment.

The account of the auditor in the Commissary department, with the report of the Committee on the same rejected in the House of Representatives, was rec$^{d.}$ with an order of the House to refer the same to the Commissary Committee: which was read, & Resolved, To concur with the House of representatives in their order of reference.

A bill entitled "an act appointing commissioners to appropriate the County Grammar School lands in Franklin County," with the report of the Committee rejected in the House of representatives, was rec$^{d.}$ with an order of the House to recommit the same: which were read, & it was Resolved, To concur with the House in their order of recommitment.

Mr. Robinson of the House of Representatives appeared in Council Chamber and informed the Governor and Council that the House had not concurred in the amendments proposed by the Council to the bill entitled "an act [repealing an act entitled an act] directing the deed of Job & Theoda Wood to be given in evidence," and assigned the reasons.

Mr. Robinson informed the Governor and Council that the House had not concurred in the resolution appointing a committee to join from the house to take into consideration the report of the Committee of Council appointed to take into consideration the proceedings of the canvassing Committee, and to devize suitable rules by which future canvassing Committees shall be governed,—assigned the reasons and returned.[1]

The following engrossed bills, sent up for concurrence, were rec$^{d.}$ from the house of representatives, viz. "An act directing the mode of collecting a tax in the Town of Huntington ; An act directing the Treasurer to pay the sums therein mentioned ; An act in addition to an act relating to freemen's meetings ; An act empowering Avis Moulton to deed lands," and "An act authorizing Joseph H. Cook to perform the office and duty of constable and collector in the town of Weybridge : " Which being severally read, Resolved, To concur with the House of Representatives in passing the same into laws.

Mr. Miller introduced a bill entitled "An act making provision for the expence of granting and making out pardons to convicts," which was read & it was Resolved, That the same pass, to be sent to the House of representatives for their concurrence.

Rec$^{d.}$ from the House of representatives the account of Samuel C Crafts Esq. as agent for the State in the case of Bank claims, with an

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[1] In fact the House, by a vote of 91 to 75, refused a reading to the report of the committee of the Council : one reason doubtless being that, four days before, an elaborate report of a committee of the House on the same subject had been made to the House and accepted by it.—See printed *Assembly Journal* of 1813, pp. 144, 158, 183.

order to refer the same to the joint committee of claims: which being read, it was Resolved, To concur with the House in their said reference.

Rec^d. from the House a resolution, that, the Governor & Council concurring therein, both Houses meet in joint committee in the Representatives' Room this day at 2 o'clock P. M. for the purpose of electing an assistant Judge of the County Court for the County of Bennington, to supply the vacancy occasioned by the non acceptance of Joseph Burr, and for the purpose of electing a Brigadier General of the second Brigade, first division of the militia of this State: which was read, and Resolved, to concur with the House in their resolution.[1]

An engrossed bill entitled "an act for the relief of Martin Roberts," sent up from the House of Representatives for concurrence, was called up and read; whereupon Resolved, That the following amendments be proposed, viz. In the second section, in the 7th [line,] between the word "shall" and "give," insert the words "pay one third and;" In the 9th line, before the words "of the sums &c." insert the words "of the remainder;" and in the 10th line, before the words "when final judgment," insert the words "with interest;" and that the Council concur with the House of Representatives in passing the same into a law with the above amendments.

An engrossed bill entitled "an act relating to the Treasury department," sent up from the House for concurrence, was called up and read, Whereupon Resolved, That the following amendment be proposed to said bill, viz. Add to the bill the following section, "Sec. 3d. And it is hereby further enacted, that it shall be the duty of the Treasurer to add to the schedule by him annually to be made, all such balances as shall be due from the several state's attornies, and proceed in the collection of such balances as is directed in the second section of this act; and the Treasurer shall also add in the schedule the names of all such of the State's Attornies who neglect to make an annual statement, as the law directs;" and that the Council concur with the House in passing said bill with the above proposed amendment.

An engrossed bill entitled "an act granting a tax for the support of government," sent up from the House of Representatives for concurrence, was called up and read, whereupon it was Resolved, That the following amendments be proposed to said bill, viz. Add to the title of the bill the words "and for paying the sums due to the detachment of the militia in the service of the United States in the year 1812, and also for paying the members of convention ordered by the Council of Censors." Erase the word "one" and insert "two" in the sixth line of the bill,—and erase the word "July" and insert the word "June" in the eleventh line; and that the Council concur in passing said bill into a law with the above proposed amendments. And Mr. Harrington was appointed to assign the reasons for the amendments to the House.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

The bill entitled "an act repealing an act directing the deed of Job & Theoda Wood to be given in evidence," was called up and read: Whereupon, Resolved, That the passing of the same be suspended until the next session of the legislature.

The following engrossed bills, sent up from the House of Representatives for concurrence, were severally called up & read, viz. "An act di-

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[1] Grove Moore was appointed Judge, and Col. David Leavitt of Putney Brigadier General.

recting the Treasurer to pay sundry inhabitants of Derby the sums therein mentioned; An act freeing the body of Daniel Lockwood from arrest; An act prolonging the time of exclusive right of making glass in this State to the President and Directors of the Vermont Glass Factory; An act reviving an act laying a tax of three cents per acre on the Town of Kellyvale [Lowell;] An act directing the several County Courts in this State in the mode of setting out their respective gaol yards, and restricting them therein; An act to extend the time of payment of the cent tax on the town of Bolton; An act freeing the body of Ebenezer Eaton from arrest or imprisonment for the term of three years; An act to repeal certain acts therein mentioned and for other purposes; An act for the relief of Joseph Fessenden; An act relating to the State's Prison," and "An act in addition to the several acts establishing a State Bank;" Whereupon it was Resolved, To concur with the House of Representatives in passing the same into laws.

An engrossed bill entitled "an act freeing the body of Timothy Hinman from arrest and imprisonment for the term of two years," sent up from the House of Representatives for concurrence, was called up and read; and on the question Will the Council concur in passing the same into a law, it was decided in the negative.

An engrossed bill entitled "an act directing the Treasurer to pay Parley Davis the sum therein mentioned," sent up from the House of Representatives for concurrence, was called up and read, and on the question Will the Council concur? it was decided in the negative by yeas and nays as follows: *Yeas*, His Hon. Gov. Chamberlain, Messrs. Seymour, Loomis, Miller & Painter. *Nays*, Messrs. Wright, Keyes, Hunter, Harrington, Bliss and Dana.

A bill introduced into the Council, entitled "an act repealing an act to prevent intercourse with the enemies of this and the United States," was called up and read: whereupon Resolved, That the same pass to be sent to the House of Representatives for their concurrence.

Rec$^{d.}$ from the House the bill sent down from the Council, making provision for the expence of granting and making out pardons to convicts, with the following proposed amendments,—Erase the word "two" & insert the word "one," and strike out the second section: which being read, Resolved, To concur in the said amendments, & that the bill pass.

Adjourned to 8 o'clock tomorrow morning.

TUESDAY November 16, 1813. 8 O'clock A. M.

Council met pursuant to adjournment.

The following engrossed bills, sent up from the House of Representatives for concurrence, were severally called up and read, viz. "An act directing the Treasurer to credit the Town of Bridgewater the sum therein mentioned; An act in addition to an act entitled an act empowering Towns to lay out school districts in certain cases; An act authorizing Ralph Turner to collect one cent land tax in the Town of Waitsfield; An act directing the Treasurer to credit the first constable of Westford the sum therein mentioned; An act directing the Treasurer to pay Sylvanus Baldwin the sum therein mentioned: An act giving farther time to the collector of Mt. Tabor to collect the one cent tax; An act authorizing the sheriff of Orange County to deed certain property therein described; An act authorizing Samuel Hart to perform the office and duty of constable and collector in the town of Granby; An act directing the Treasurer to pay Levi Ellis the sum therein mentioned·

An act for the relief of Amos Staples; An act incorporating certain persons therein named by the name of the Vermont Card Manufacturing Company; An act directing the Treasurer to pay Samuel C. Crafts the sum therein mentioned; An act directing the Treasurer to pay John Mattocks the sum therein mentioned; An act relating to a certain Judgment therein named," and "An act to provide for the payment of the convention to be convened by order of the Council of Censors;" Whereupon it was Resolved, To concur with the House of Representatives in passing the same into laws.

Rec$^{d.}$ from the House of Representatives the engrossed bill entitled "an act to repeal an act therein mentioned," which was read & it was Resolved, That the following amendment be proposed to said bill, viz. Add the following proviso—"Provided nevertheless that said act shall be in full force for preventing the circulation of bills issued by any of the foreign banks that have failed in the payment of their bills;" & that the Council concur in passing said bill into a law with the above proposed amendment. And Mr. Keyes was appointed to assign the reasons for the amendment.

Mr. Seymour, appointed for that purpose, reported the following as the reasons of the Council for not concurring in passing the "act freeing the body of Timothy Hinman from arrest &c." viz. "The Council do not concur with the House of Representatives in passing this act for the following reasons, viz. that the manner in which the petitioner became involved, particularly the means he made use of to obtain large credits a short time before he failed, do not appear to be of that fair character that warrants a special interference of the legislature in his favor." Which were read and adopted.

Rec$^{d.}$ from the House of Representatives an engrossed bill entitled "an act in addition to an act entitled an act directing the mode of detaching the militia," which was read & on the question Will the Council concur with the House of Representatives in passing the same into a law? it was decided in the negative by yeas & nays, as follows: *Yeas*, His Hon. Gov. Chamberlain, Messrs. Fletcher, Miller, Painter & Dana. *Nays*, Messrs. Wright, Keyes, Hunter, Loomis, Harrington & Bliss.[1]

An engrossed bill entitled "an act regulating proceedings in the Town of Canaan," sent up from the House of Representatives for concurrence, was called up & read, whereupon it was Resolved, that the following amendment be proposed to said bill, viz. Add the following clause—"And the said collector is hereby directed in all things in collecting and accounting for the monies raised by said tax, to govern himself conformable to the general statutes of this State in such case made and provided;" and that the Council concur with the House in passing said bill with the foregoing amendment. And Mr. Loomis was appointed to assign the reasons for the amendment.

A resolution of the House of representatives of Nov. 15 1813, appointing Tuesday next at 9 o'clock forenoon for both Houses to meet in the representatives' [hall] for the purpose of adjourning the legislature without day, was called up & read, and it was Resolved, To concur with the House in said resolution with the following amendment, viz. Erase the word "Tuesday" & insert "Wednesday."

Mr. Lyon from the House of Representatives appeared in Council, returned the bill entitled "an act assessing a tax of one cent on the dollar on the list of the year 1813 for the support of government," informed the Governor & Council that the House had not concurred in the amend-

[1] A party vote strictly, except that Messrs. Seymour and Richards (anti-federalist) were absent.

ments proposed to the same by the Council, and retired. Whereupon it was Resolved, That the Council rescind their said amendments, and that the following amendments be proposed, viz. add to the title of the bill the words "and for paying the sums due to the detachment of the militia of this State, while in the service of the United States in the year 1812." Erase the word "one" in the 6th line of the bill and insert the word "two," and erase the word "July" in the 11th line and insert the word "March"—and that the Council concur with the House in passing the same into a law with the above proposed amendments.

An engrossed bill entitled "an act empowering John Barney to perform the duties & office of first constable & collector," sent up from the House for concurrence, was called up and read, Whereupon, on motion, Resolved, That the following amendment be proposed to said bill, viz. add the following section—"Section 3d. And it is hereby further enacted, that the said John Barney shall, before he enter upon the duties of his office as aforesaid, execute a bond to the selectmen of the said town of St. Johnsbury with sufficient sureties, as security to said town for the faithful discharge of the duties of said office, in the same manner as first constables of the several towns are by law required to do;" and that the Council concur with the House of Representatives in passing said bill into a law with the above proposed amendment. And His Honor Gov. Chamberlain was appointed to assign the reasons for the amendment.

Adjourned to 2 o'clock P. M.

2 O'clock P. M.—The Council met pursuant to adjournment.

The following engrossed bills, sent up from the House of Representatives for concurrence, were severally called up and read, viz. "An act directing the Treasurer to pay Harry Hale the sum therein mentioned; An act in addition to and alteration of an act for regulating & governing the militia of this State; An act relating to a certain judgment therein named; An act providing for two aids to the Governor of the State & for repealing two acts therein mentioned; An act establishing a corporation by the name of the Middlebury Turnpike Company," and "An act for the relief of Capt. William Tileston;" Whereupon it was Resolved, To concur with the House of representatives in passing the same into laws.

Rec$^{d.}$ from the House a resolution appointing 4 o'clock this afternoon for both Houses to meet in the representatives' room for the purpose of electing three directors of the Vermont State Bank for the year ensuing: which being read, Resolved, To concur with the House in their resolution.

Mr. Keyes, appointed for that purpose, reported the following as the reasons for nonconcurring in passing the bill entitled "an act relating [to] advertisements," viz. "The Council do nonconcur with the House in passing this bill for the following reasons: 1st. That there ought to be substantial reason for the altering of a law before it is passed. 2dly. There has not been any evidence before the Council to convince them but that the printing has been well done in the Vermont Republican, therefore they see no necessity to have advertisements inserted in Spooner's Vermont Journal." Which being read, were adopted to be sent to the House.

The last mentioned [bill] was returned from the House of representatives, passed a second time and sent up for concurrence: and being read it was on motion, Resolved, That the following amendment be proposed, viz. Erase the word "January" and insert "August," and that the Council do concur in passing said bill into a law with the above amendment.

An engrossed bill entitled "An act for the relief of John Willard" being read, Resolved, To concur with the House in passing said bill with the following proposed amendment, viz. In the 17th line of the bill, after the word "within" erase the word "thirty" and insert "sixty" and in the 19th line, after the word "security," add "either personal or real to the acceptance of said directors:" and Mr. Loomis was appointed to assign the reasons for the amendments to the House.

An engrossed bill entitled "an [act] making the necessary appropriations for the support of government during the present year and for other purposes," sent up for concurrence, was recd. from the House and read, and it was Resolved, To concur with the House in passing the same into a law.

The bill entitled "an act assessing a tax of one cent on the dollar on the list of the year 1813, for the purposes therein mentioned," was recd. from the House of representatives, passed a second time and sent up for concurrence, and read, and on the question, Will the Council concur with the House of representatives in passing the bill into a law? it was decided in the affirmative by yeas and nays as follows: *Yeas*, Gov. Chamberlain, Messrs. Seymour, Bliss, Fletcher, Miller, Painter, and Dana. *Nays*, Messrs. Wright, Keyes, Hunter, Loomis, and Harrington.

Mr. G. Robinson of the House of representatives appeared in Council Chamber & informed the Governor & Council that the House had not concurred in the amendment last proposed to the bill entitled "an act granting a tax for the support of government," and the said bill being called up & read, Resolved, To rescind the resolution proposing amendments & that the Council concur in passing said bill into a law.

The [bill] from the House of Representatives entitled "an act directing the Treasurer to pay Parley Davis the sum therein mentioned," being again called up, On motion, Resolved, To rescind the resolution to nonconcur in passing said bill, and that the Council do concur with the House in passing the same into a law.

A bill from the House of representatives entitled "an act directing the mode of taking depositions to be used before the canvassing Committee," being read, on the question, Will the Council concur in passing said bill into a law? it was decided in the negative: and the following reasons for nonconcurrence were adopted to be sent to the House of representatives, viz. "The Council do not concur in passing this bill for the following reasons,—1st. Because the certificates forwarded by the presiding officer of town meetings are the proper & the only proper evidence to be submitted to the canvassing committee; whereas this bill would make the canvassing committee a board for the trial of an unlimited number of matters of fact of a doubtful & disputable character. 2ndly. Because the admission of extraneous evidence before the canvassing Committee would not tend to either a correct result, or one which would be generally satisfactory. 3rdly. Because the examination of fact by the canvassing committee, aside from the certificates, would necessarily take days & probably weeks, during which time the government would remain unorganized, and the good people of this State imminently exposed to the evils of civil dissention from the government's being unorganized, at a period when the excitement of party feeling is generally at its highest pitch."

Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY Nov. 17, 1813. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

A bill from the House of Representatives entitled "an act in addition to an act directing the mode of detaching the militia," sent up for concurrence, was read, and on the question, will the Council concur in passing the same? it was decided in the negative. And the following, reported by Mr. Harrington, were adopted as the reasons for their nonconcurrence: "*First*, Because the law now in force appears to the Council to be a better and more equitable method for detaching the militia than the mode contemplated in this bill. 2dly, Because, by the law now in force, those who are not enrolled in the militia are made liable to pay their proportion of the expence of such detachment of the militia as may be called into the public service. 3dly, Because the law now provides that the militia while in service shall have added to the wages allowed by the United States the sum of $3.33 per month, which is by the Council considered no more than a reasonable compensation."

An engrossed bill from the House of Representatives [entitled] "an act granting relief to James Austin & others," being called up and read, it was Resolved, That the Council do not concur in passing said bill, and that the following reasons be adopted for nonconcurring in the same to be sent to the House, viz. "First, it appears to the Council that the bond mentioned in the bill was executed for liberating James H. Austin from Jail, who had been guilty of passing counterfeit bank bills, that he is a person of bad fame, and that the granting of the relief contemplated in the bill will, in the opinion of the Council, be a mean of confirming him in an evil course of conduct. 2ndly. The Council consider that the relief contemplated in the bill ought never to be granted without clear evidence of reformation in the person who is to be benefited by the relief prayed for."

An engrossed bill entitled "an act directing the mode of taking depositions to be used before the canvassing Committee," sent up from the House passed a second time, being read, Resolved, To concur in passing the same with the following proposed amendment,—Strike out the whole of the first section. And Mr. Seymour was appointed to assign the reasons for the amendment.

Rec$^{d.}$ from the House of representatives the bill entitled "an act granting relief to James Austin and others," sent up amended as follows,—add the following proviso—"Provided nevertheless that the said James, James H. and Frederick shall take no benefit by this act until they shall pay all legal costs included in said bond, and all costs accrued in the suit on said bond:" which being read, Resolved, To concur with the House of representatives in passing said bill as amended.

The following debenture of the Lt. Governor, Council & officers was read & adopted:

Names.	No. of Miles.	Amt of Mileages.	No. of Days.	Amt of Attendance.	Amt of Debenture.
Gov. Chamberlain	27	3 24	25	100 —	103 24
Gov. Brigham	50	6 00	8	32 —	38 —
Sam$^{l.}$ C. Crafts	42	5 04	3	4 50	9 54
M. Richards	92	11 04	14	21 —	32 04
J. Wright	130	15 60	34	51 —	66 60
E. Keyes	42	5 04	34	51 —	56 04
W$^{m.}$ Hunter	62	7 44	34	51 —	58 44
H. Seymour	60	7 20	34	51 —	58 20
W$^{m.}$ C. Harrington	38	4 56	33	49 50	54 06

F. Bliss	55	6 60	34	51 —		57 60
S. Fletcher	100	12 00	28	42 —		54 —
S. Miller	30	3 60	33	49 50		53 10
G. Painter	60	7 20	31	46 50		53 70
D. Dana	75	9 00	31	46 50		55 50
P. Smith	72	8 64	2	3 —		11 64
R. C. Mallary Secy.	80	9 60	13	32 50		42 10
S. Swift Secy.	60	7 20	22	55 } —		69 20
" office	—	— —	—	$7 } —		
J. Peck Shff.	12	1 44	34	51 —		52 44
	1087	130 44	447	795 00		925 44

James H. Langdon Esquire of Montpelier was duly appointed Surveyor of Public Buildings.

Mr. Seymour introduced the following resolution :

In Council Nov. 17, 1813.

Resolved, The House of Representatives concurring herein, that all business before either branch of the legislature, that is now unfinished, be referred to the next session of the legislature.

Which was read and adopted.

Agreeably to the concurrent [resolution] of both Houses, His Excellency the Governor, His Honour the Lieutenant Governor and the Honourable Council proceeded to the Representatives' room, where the throne of Grace was addressed in prayer by the Rev. Chester Wright, and the legislature was then adjourned without day.

The foregoing from Page 1 to page 108 [of the manuscript journals, Vol. 7,] inclusive is a true journal of the Proceedings of the Governor & Council at their session in October in the year of our Lord 1813.

Samuel Swift, *Secretary.*

THIRTY-EIGHTH COUNCIL.

OCTOBER 1814 TO OCTOBER 1815.

MARTIN CHITTENDEN, Jericho, *Governor.*
WILLIAM CHAMBERLAIN, Peacham, *Lieut. Gov.*

Councillors.

SOLOMON MILLER, Williston,	JOSIAH HUBBARD, Thetford,
ZERAH WILLOUGHBY, Fletcher,	NICHOLAS BAYLIES, Montpelier,
DANIEL DANA, Guildhall.	JAMES D. BUTLER, Rutland,
JOHN ELLSWORTH, Greensboro.	JOHN W. CHANDLER, Peacham,
GAMALIEL PAINTER, Middlebury,	ELIAS STEVENS, Royalton,
MOSES ROBINSON, Bennington,	WILLIAM HALL, Jr., Bellows Falls.

SAMUEL SWIFT, Middlebury, *Secretary.*
CHAPIN KEITH, Barre, *Sheriff.*

BIOGRAPHICAL NOTICES.

MOSES ROBINSON, first child of Gov. Moses Robinson, was born in Bennington, Nov. 16 1763. He represented Bennington in the General Assembly in 1819, 1820 and 1823; was a candidate for the Council on the Federal ticket previous to his election in 1814, and on one occasion failed by the omission of the "junior" from his name. He died Jan. 30 1825.—*The Washingtonian;* and Hiland Hall in *Vt. Hist. Magazine*, Vol. I, pp. 169, 179.

NICHOLAS BAYLIES was born at Uxbridge, Mass., in 1772, says Drake, but more probably in 1768, and graduated at Dartmouth in 1794. After admission to the bar, he commenced practice at Woodstock with the Hon. Charles Marsh, removing to Montpelier in 1810, and from thence to Lyndon in 1836, where he died Aug. 17 1847. In 1814 he published a digest of modern English and American common law reports in three volumes, and in 1820 a volume on free agency. In his single term as

Councillor his learning in the law was manifested, and it will be seen that he initiated the Vermont State Library, and also the printed reports of the Supreme Court. He was a member of the Council of Censors in 1813, Councillor in 1814, and Judge of the Supreme Court three years, 1831 until 1834. "He earned the reputation of being one of the most laborious and learned of his profession in this state."—Drake's *Dict. of Am. Biography;* Thompson's *Vermont; Vt. Hist. Magazine*, Vol. I, title Lyndon ; *Vt. Legislative Directory*, 1876-77; and *Vt. Watchman & State Journal* of Aug. 26 1847.

James Davie Butler, born in Boston, settled in Rutland in 1787, represented that town in the General Assembly in 1812 and '13, and was Councillor in 1814. Henry Hall has described him as "the mechanic, the merchant, the scholar, the wit."—*Vt. Hist. Magazine*, Vol. 3, pp. 1013, 1105 ; and Deming's *Catalogue.*

John Winthrop Chandler, born in Newtown, Conn., in 1767, was one of the early settlers of Peacham, in which town he spent the remainder of his life, dying there July 15 1855. He represented his town in the General Assembly in 1797 ; was Judge of Probate 1797 until 1800, again in 1806, 8, 9, and '17 until 1821 ; Register in 1805 ; and Judge of the County Court 1800 until 1806, and 1813 until 1817.—*Vt. Hist. Magazine*, Vol. I, p. 364 ; and Deming's *Catalogue.*

Elias Stevens represented Royalton in the General Assembly eleven years, beginning in 1783 and ending in 1816, and was Councillor one year.—Deming's *Catalogue.*

William Hall Jr. was a member of the Council of Censors in 1813, and Councillor in 1814. He also represented Grafton in the General Assembly in 1799, and Rockingham in 1826 and '7.—*Vt. Legislative Directory*, 1876-7 ; and Deming's *Catalogue.*

No trace of public service of Col. Josiah Hubbard, except as Councillor, has been found. He died at Thetford, about July 1 1833.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER, 1814.

STATE OF VERMONT.—A Journal of the Proceedings of the Governor & Council of the State of Vermont, at their session holden at Montpelier, on the second Thursday of October, in the year of our Lord one thousand eight hundred and fourteen. Present, His Excellency Martin Chittenden Esq. *Governor.* His Honor William Chamberlain Esquire, *Lieutenant Governor.* The Hon. Elias Keyes, Mark Richards, William Hunter, Frederick Bliss, Solomon Miller, Horatio Seymour, Daniel Dana, Gamaliel Painter, and Beriah Loomis, Esquires, *Councillors.* Samuel Swift, *Secretary.* Chapin Keith Esq. *Sheriff of Jeff. County.*

Ordered, That the Secretary be directed to inform the House of Representatives that the Governor and Council have assembled, formed a quorum and are ready to receive any communication the House may be pleased to make to them. Which service the Secretary performed.

Mr. C. K. Williams, from the House of Representatives, appeared in the Council Chamber and informed the Governor and Council that [the] House had met and were ready to proceed to business.

Resolved, That a Committee of five members of Council be appointed to join such Committee as the House of Representatives may appoint to receive, sort & count the votes for Governor, Lieutenant Governor, Treasurer & Councillors for the year ensuing, and to report as soon as may be. Members chosen, His Honor Lt. Gov. Chamberlain, Mr. Keyes, Mr. Seymour, Mr. Miller and Mr. Richards. And they were duly sworn to the faithful discharge of their duties.

Mr. Edmond, from the House of Representatives, appeared in Council Chamber and informed the Governor and Council that that House had appointed a canvassing Committee to join the Committee from Council.

Adjourned to 4 o'clock P. M.[1]

4 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Mr. Robinson, from the House of Representatives, appeared in Council Chamber and informed the Governor and Council that the House were ready to receive the report of the Canvassing Committee.

The Governor and Council accordingly proceeded to the Representatives' Room, when the joint Canvassing Committee made the following report:

"To the Hon. General Assembly now sitting: The Committee appointed to sort and count the votes of the freemen of this State for Governor, Lieut. Governor, Treasurer, and Councillors, beg leave to report That the freemen of this State have made no choice of a Governor for the year ensuing: That they have made no choice of a Lieut. Governor for the year ensuing: That Benjamin Swan, Esquire, is chosen by the free-

[1] The election sermon was preached by the Rev. Elijah Lyman.

men Treasurer of this State for the year ensuing, and he is hereby declared to be duly elected to that office: That by the votes of the freemen, the following persons are chosen Councillors for the year ensuing, to wit, Moses Robinson, Gamaliel Painter, Solomon Miller, Josiah Hubbard, John Ellsworth, Zerah Willoby, Daniel Dana, Nicholas Baylies, James D. Butler, John W. Chandler, Elias Stevens and William Hall Jun. and they are hereby accordingly declared to be duly elected. All which is submitted.

Montpelier October 13, 1814. [WILLIAM CHAMBERLAIN, *Chairman.*"][1]

Which being completed, the Governor and Council returned to their Chamber.

Adjourned to 9 o'clock A. M. Tomorrow.

FRIDAY October 14, 1814. 9 o'clock A. M.

Pursuant to adjournment yesterday the following members of the Council appeared and took their seats, viz. Hon. Gamaliel Painter, Solomon Miller, Josiah Hubbard, John Ellsworth, Zerah Willoby, Daniel Dana, Nicholas Baylies, James D. Butler, Elias Stevens & William Hall Jun.—And they severally took and subscribed the necessary oaths.

The Councillors present proceeded to organize and made choice of Hon. Gamaliel Painter *Chairman pro tem.* Sam[l] Swift, *Secretary pro tem.*

Ordered, That the Secretary be directed to give notice to the House of Representatives that the Council have organized and are ready to proceed to business. Which service the Secretary accordingly performed.

Mr. Baylies introduced the following resolution :

IN COUNCIL Oct. 14, 1814.

Resolved, the General Assembly concurring herein, that both Houses meet in joint committee at 2 o'clock P. M. this day in the Representatives' Room for the purpose of electing a Governor and Lieut. Governor for the year ensuing ; Which was adopted.

Mr. Edmond, from the House of Representatives, appeared in Council Chamber and informed the Council that the House had organized, by choosing the Hon. Daniel Chipman *Speaker*, Josiah Dunham Esquire *Secretary of State*, William D. Smith Esq. *Clerk*, and Azro Loomis *Engrossing Clerk.*

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment.

The resolution of the Council appointing two o'clock this afternoon for the choice of Governor and Lieutenant Governor was returned from the House with a resolution to concur.

Agreeably to the joint resolution for that purpose, the Council proceeded to the Representatives' Room, to meet the House in joint committee for the purpose of electing a Governor & Lieut. Governor. The ballots being received, sorted and counted, His Excellency Martin Chittenden was declared to be elected Governor, Captain General and Commander in chief in and over the State of Vermont for the year ensuing : And His Honor William Chamberlain Lieut. Governor for the year ensuing : And by order of the Chairman the Sheriff made procla-

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[1] Chauncey K. Williams Esq. has furnished the votes for Governor, to wit: Martin Chittenden 17,466; Jonas Galusha 17,411; scattering, says the *Northern Centinel* of Oct. 21 1814, 451.

mation of their election. Which being completed the Council returned to their chamber.

Adjourned to 9 o'clock tomorrow morning.[1]

SATURDAY, October 15, 1814. 9 O'clock A. M.

The Council met pursuant to adjournment.

At 12 o'clock His Excellency Martin Chittenden, the Governor elect, appeared in the Council Chamber, and with His Honor William Chamberlain the Lieut. Governor elect, and the Hon. Council repaired to the Representatives' Room, where the oaths of office were duly administered to the Governor and Lieut. Governor. After which His Excellency delivered the following Speech.[2] The Governor & Council then returned to the Council Chamber, and His Excellency the Governor took the chair.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Rec$^{d.}$ from the House of Representatives a resolution appointing the following standing committees to join from Council.

A Committee of four members to take into consideration all petitions for acts of suspensions, to be denominated the *Committee of Suspensions.* A Committee of four members to take into consideration such claims as may be exhibited against the State, to be denominated the *Committee of Claims.* A Committee of four to take into consideration petitions for turnpikes, to be denominated *the Turnpike Committee.* Three Committees of two members each to take into consideration all petitions for land taxes, to be denominated the *first, second* and *third land tax Committee.* A Committee of four to take into consideration petitions for new trials, to be denominated the *Committee of New Trials.* A Committee of four to be denominated the *Military Committee.* A Committee of four to be denominated the *Committee of Manufactures.* Which being read, Resolved, To concur with the House in their said resolution. And the following members of Council were appointed to join on the several committees:

On Committee of Suspensions, Mr. Painter.
" Committee of Claims, Mr. Butler.
" Turnpike Committee, Mr. Stevens.
" First Land Tax Committee, Mr. Miller.
" Second Land Tax Committee, Mr. Dana.
" Third Land Tax Committee, Mr. Hubbard.
" Committee of New Trials, Mr. Baylies.
" Committee of Manufactures, Mr. Hall.
" Military Committee, His Hon. the Lt. Governor.

Rec$^{d.}$ from the House of Representatives the following petitions with an order to refer the same to the joint Military Committee, viz. Petition of Hezekiah Ensworth & others for a Light Artillery Company in Nor-

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[1] The *Vermont Republican* of Oct. 17 1814 gave the result of the ballots in joint committee as follows:

For Chittenden 123, for Galusha 94, scattering 1.—Majority for Chittenden 28. For Chamberlain 118, for Brigham 91. Several republican members were absent at the choice of Gov.

[2] For the speech see *Appendix* A.

wich: Petition of Edmond Ingalls & others for a Light Infantry Company in Cavendish: Petition of Nehemiah Bradley & others for an Artillery Company in Peacham: Which being severally read, Resolved, To concur in the said reference.

Rec$^{d.}$ from the House of Representatives the petitions of Robert Wilbur, and of Eleazer Flagg, for acts of Suspension, with an order on each to refer the same to the joint Committee on Suspensions: Which being severally read, Resolved, To concur.

Rec$^{d.}$ from the House of Representatives the petitions of Elias Bates, and of John Brown, with an order on each to refer the same to the joint Committee of Claims: Which being severally read, Resolved, to concur in the reference.

Rec$^{d.}$ from the House of Representatives the petition of William S. Cardell, praying for an act of incorporation of "The American Marble Company," with an order to refer the same to the joint *Committee of Manufactures:* Which being read, Resolved, To concur in the reference.

Rec$^{d.}$ from the House the petition of Randal Rice and others for a turnpike, with an order to refer the same to the joint Turnpike Committee: Which being read, Resolved to concur in the reference.

Adjourned to 9 o'clock Monday Morning.

Monday, October 17, 1814. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment.

The Hon. John W. Chandler appeared in Council, took and subscribed the oaths of office and took his seat.

His Excellency the Governor announced that he had appointed Samuel Swift Esquire, Secretary for himself and Council, and the oaths of office were duly administered to him.

On motion, Timothy Hubbard Esquire was duly appointed Surveyor of Public Buildings for the year ensuing.

Rec$^{d.}$ from the House of Representatives a resolution appointing a Committee of four members to join from Council to take into consideration that part of His Excellency's speech which relates to the revision of the militia laws: Which being read, Resolved, To join, and His Hon. the Lt. Governor was appointed to join said Committee.

Rec$^{d.}$ from the House a resolution appointing a committee of four to join &c. to take into consideration the subject of taxation, and point out some more equal and equitable mode of taxation under our present burthens of an expensive war, and report by bill or otherwise: Which being read, Resolved, To concur, and Mr. Willoby was appointed to join.

Rec$^{d.}$ from the House the petition of Barzillai Cary, praying to have the children of his wife made legal heirs to his estate, with an order to refer the same to a select committee to join from Council: Which being read, Resolved, To concur, and Mr. Miller was appointed to join &c.

Petition of Benjamin Bell for a ferry with an order to refer the same to a committee of four to join &c. was received from the H. of Representatives, read and concurred, and Mr. Chandler was appointed to join.

The petition of Thomas Ward, with an order to refer the same to a committee of four to join &c. was rec$^{d.}$ from the House, read & concurred, and Mr. Butler was appointed to join.

The petition of Edward Fifield for relief against certain judgments, with an order of the H. of Rep$^{s.}$ to refer the same to a committee of four to join &c. was received and concurred, and Mr. Hall was appointed to join s^{d} Comm$^{tee.}$

The petition of Benjamin Cole & others, tenants of Glebe Lands in Marlboro', with an order to refer the same to a committee of two to join &c. was rec$^{d.}$ from the House, read and concurred, and Mr. Baylies was appointed to join s$^{d.}$ Com$^{tee.}$

The petition of the Congregational Society of Poultney for an act of Incorporation, with an order of the H. of Rep$^{s.}$ to refer the same to a committee of two to join from Council, was rec$^{d.}$ read & it was Resolved, To join, and Mr. Hubbard was appointed for that purpose.

The petition of Abel Tomlinson, Ad$^{r.}$ of Edward Gray, for power to deed land of deceased, with an order of the H. of Representatives to refer the same to a [committee] of two to join &c. was rec$^{d.}$ read & Resolved, To join, and Mr. Miller was appointed for that purpose.

Petition of Adget Lathrop & others selectmen of Pittsford, for the appointment of a new collector of taxes, with an order to refer the same to a Committee of four to join from Council, was rec$^{d.}$ from the House, and read, and thereupon, Resolved, To join, and Mr. Painter was appointed for that purpose.

Pet. of James Andrews for relief, with an order of the H. of Representatives to refer the same to the joint Committee on the petition of Edward Fifield, was rec$^{d.}$ read & it was Resolved, To concur in said reference.

A resolution of the House of Representatives that the Committee on the petition of Thomas Ward be instructed to examine the books, orders and papers on that subject in the office of the Auditor of accounts, and in the Treasury department, have power to send for persons and papers, state the facts to this House, and that they have leave to report by bill or otherwise, was rec$^{d.}$ & read, and thereupon, Resolved, To concur with the House in their said resolution.[1]

The petitions of James (or John) McCullough.—of Ezekiel Cole & others,—of Henry Wait & others,—of Abel Johnson Jun. with an order on each to refer the same to the joint Committee on the petition of Thomas Ward, were rec$^{d.}$ and severally read, and thereupon, Resolved, To concur in said reference.

Petitions of Stephen and Elihu Royce for a toll bridge over Missisque River, and of Augustus Johnson for an alteration of his grant of a ferry, with an order on each to refer the same to the joint Committee on the petition of Benjamin Bell, were received and read, and thereupon it was Resolved, To concur in the said reference.

Petitions of Samuel Peckham and Clark Rogers with an order to refer the same to the joint Committee on the petition of Adget Lathrop, was received from the H. of Rep$^{s.}$ and read, and thereupon Resolved, To concur in said reference.

Petition of the Administrators of David B. Hunt, with an order to refer the same to the joint Committee on the petition of Abel Tomlinson, was rec$^{d.}$ from the House and read, and thereupon it was Resolved, To concur in said reference.

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[1] By act of Nov. 9 1812, the noncommissioned officers, musicians and privates detached for U. S. service previous to the date of the act, were entitled to $3.34 per month from the State treasury as extra pay. The purpose of the above investigation was to detect alleged frauds in allowances of extra pay. The committee reported that orders to an amount exceeding $2000, which had been paid, were manifest forgeries. See printed *Assembly Journal* of 1814, p. 161. The persons defrauded were subsequently paid by the state.

Petitions of Joel Conkey, and of William P. Graham, with an order on each to refer the same to the joint Committee of New Trials, were received from the House and read, and thereupon Resolved, To concur in said reference.

Petition of the Winooski Turnpike Company for leave to alter their road, with an order of the H. of Representatives to refer the same to the joint Turnpike Committee, was rec$^{d.}$ and read, & thereupon Resolved, To concur in the reference.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

The petitions of John McClure,—of Harry Hale,—of Ebenezer Winslow,—of Daniel Reed,—of Foster Paddock,—of the Overseers of the Poor in Berkshire,—of Christopher Roberts,—of the first Constable of St. Albans,—of Issachar Reed,—of Samuel Kent and others,—of Baruck Bolster, and an account of Timothy F. Chipman, with an order on each to refer the same to the joint Committee of New Trials, were received from the House of Rep$^{s.}$ and read, and thereupon, Resolved, To concur in the said reference.

The petitions of Caleb Whipple,—of Thomas Lathrop,—of Sylvanus Brigham,—of Samuel Campbell,—of Nathaniel Barton,—of Joshua Lilley,—of Nathan Parks,—of Samuel Barlow,—of Riley Richmond,—of John S. Gallup,—of Caleb Fisk,—of Joseph S. Sternes,—of Walter M. Spooner,—of Samuel Thompson, and of William & Jeremiah Meacham, were received from the House of Representatives, with an order on each to refer the same to the joint Committee of Suspensions: Whereupon, Resolved, To concur in the said reference.

The petitions of Peleg Kingsley & Co. and of Roswell Bellows, were received from the House of Representatives with an order on each to refer the same to the joint committee of New trials: Whereupon, Resolved, To concur in said reference.

Petitions of Solon Dyer & others,—of Windham Turnpike Company,—of William Baxter & others, for a turnpike from Brownington to Sutton,—of Reuben Bigelow & others for a turnpike from Peru to Manchester,—of Silas Pond & others,—of the Fairhaven Turnpike Company,—of Jonathan Robinson and James May, were received from the House of Representatives with an order on each to refer the same to the joint Turnpike Committee: Whereupon, Resolved, To concur in the said reference.

Petitions of Frank Priest & others,—of Alexander Delano & others,—of Robert Douglass & others,—of Abner Perry and others,—of Asahel Smith & others, & of Jonathan Hurd Jun. & others with an order of the H. of Representatives on each to refer the same to the joint Military Committee, were received, and thereupon it was Resolved, to concur in the said reference.

Petition of the Inhabitants of Greensborough for a land tax, with an order of the House to refer the same to the first land tax Committee, was rec$^{d.}$ and thereupon Resolved, to concur in the said reference.

The petitions of Andrew Dodge, and of Joseph Simpson and John Willey Jun. were received from the House with an order to refer the same to the joint Committee on the petition of Thomas Ward, and thereupon Resolved, To concur in said reference.

The petitions of John Seaver & others,—of Jacob Ashton & others,—and of W$^{m.}$ H. Williams with an order to refer the same to the joint Committee of Manufactures; and thereupon Resolved, To concur in the order of reference.

Received from the House of Representatives the following resolution, viz.

"In General Assembly Oct. 17, 1814.

Resolved, the Governor & Council concurring herein, that the two Houses meet in County Conventions, on Tuesday the 18th instant, at four o'clock in the afternoon, for the purpose of making their nomination of County officers, and that they meet in joint Committee in the Representatives' Room, at the opening of the House on Wednesday morning next, for the purpose of electing such officers." Which being read, Resolved, To concur with the House in their said resolution.

Adjourned to 9 o'clock tomorrow morning.

Tuesday October 18, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

Petition of Mary Beach was rec$^{d.}$ from the House of Representatives with an order to refer the same to a committee of two to join from Council: Which being read, Resolved, To join in said reference: And Mr. Dana was appointed on the part of Council.

Petition of Otis Clark & others to be exempted from bearing arms was received from the House with an order to refer the same to a committee of two to join from Council: Which being read, Resolved, To join in said reference; and Mr. Chandler was appointed to join said Committee from Council.

A bill, entitled "An act for the relief of Elijah Stanley," was rec$^{d.}$ with an order of the House to refer the same to a Committee of two to join from Council: Whereupon, Resolved, That Mr. Stevens be appointed to join said committee.

Petitions of Gardner Barton & others, and of Bethel Manufacturing Company were received from the House with an order on each to refer the same to the joint Committee of Manufactures: Whereupon, Resolved, To concur in the said reference.

Petition of the Inhabitants of Northfield for a land tax, with an order of the House to refer the same to the second land tax Committee, was rec$^{d.}$ and thereupon it was Resolved, To concur in the said reference.

A bill entitled "An act repealing an act directing the deed of Job & Theoda Wood to be given in evidence," referred from the last session, was rec$^{d.}$ from the House with an order to refer the same to a committee of two, to join from Council: Whereupon it was Resolved, that Mr. Willoby be appointed to join said Committee.

Petition of the Selectmen of Coventry for a land tax was rec$^{d.}$ with an order of the House to refer the same to the third land tax Committee: Whereupon Resolved, To concur in said reference.

Petition of the Inhabitants of Brookfield, with an order to refer the same to a Committee of four to join from Council, was received and read, and thereupon Resolved, To join, and Mr. Hubbard was appointed on the part of Council.

Petition of Jerusha Robinson, with an order to refer the same to the joint Committee on the bill entitled "An act repealing an act directing the deed of Job and Theoda Wood to be given in evidence," was received; and thereupon Resolved, To concur in said reference.

Petition of the Selectmen of Pawlet to be remunerated for the expences of a lawsuit, with an order of the House to refer the same to a committee of four to join from Council, was received & read, and thereupon Resolved, To join in said reference; and Mr. Willoby was appointed for that purpose.

Petition of sundry Inhabitants of Windsor to have the town divided, with an order to refer the same to a Committee of one from each County

to join from Council, was received and read; and thereupon Resolved, To join in said reference, and His Honor the Lt. Governor & Mr. Painter were appointed for that purpose. Remonstrance of sundry Inhabitants of Windsor against the foregoing petition with an order to refer the same to the Committee on said petition was received & read and thereupon Resolved, To concur in said reference.

Petition of George Peck and others, with an order of the House to refer the same to a Committee of two to join from Council, was received; and thereupon Resolved, To join; and Mr. Dana was appointed for that purpose.

A bill entitled "An act annexing a part of Philadelphia to Goshen," with an order to refer the same to a Committee of four to join from Council, was recd. from the House of Representatives, and thereupon Resolved, To join in said reference, and Mr. Baylies was appointed for that purpose.

A bill entitled "An act appropriating the County Grammar School lands in Franklin County," was received from the House of Representatives with an order to refer the same to a committee of two to join from Council: Whereupon Resolved, That Mr. Stevens be appointed to join said Committee from the House.

Petition of Jacob Winn, with an order of the House to refer the same to the joint Committee on the bill for the relief of Elisha Stanley, was received: And thereupon Resolved To concur in the said reference.

A bill entitled "An act directing the mode of taking depositions to be used before the Canvassing Committee," with an order of the House to refer the same to a select Committee of two to join from Council, was received; & thereupon Resolved, That Mr. Butler be appointed to join said Committee of the House.

Recd. from the House of Representatives the petition of Thomas Boyden, also a bill entitled "An act in addition to an act entitled an act directing the mode of detaching the militia," with an order on each to refer the same to the joint Military Committee: Whereupon it was Resolved, To concur.

Recd. from the House of Representatives the petitions of Carver Bates,—of Serenus Swift,—of Caleb Wrisley,—of Jonathan Woodbury,—of Livy Lawton, and a bill entitled "An act freeing the body of Timothy Hinman from arrest and imprisonment for the term of two years," with an order of the House on each to refer the same to the joint Committee of Suspensions: Whereupon Resolved, To concur with the House in their said reference.

Recd from the House of Representatives the petitions of Samuel Mix,—of Joseph Bostwick and of William Fay, with an order on each to refer the same to the joint Committee of Claims: Whereupon Resolved, To concur in the said reference without reading.

Recd. from the House of Representatives the petition of several of the Inhabitants of the County of Franklin, also a bill entitled "An act altering the toll of West River Bridge Company," with an an order on each to refer the same to the joint Turnpike Committee; and thereupon Resolved, To concur in the said reference.

Recd. the petitions of Wallis and John Mott, also a bill entitled "an act granting to George Deming the exclusive right of keeping a ferry from Burlington to Plattsburgh," with an order of the House of Representatives on each to refer the same to the joint Committee on the petition of Benjamin Bell: Whereupon it was Resolved, To concur in the said reference.

Petition of Increase Graves was received with an order of the House

to refer the same to the joint Committee on the petition of Thomas Ward: Whereupon Resolved, To concur in the said reference.

Petition of sundry Inhabitants of Pawlet to be annexed to Bennington County, with an order to refer the same to a Committee of four to join from Council, was received: And thereupon Resolved, To join in said reference: and Mr. Painter was appointed for that purpose.

Petition of the Inhabitants of the Town of Concord with an order of the House of Representatives to refer the same to the joint Committee on the petition of the Inhabitants of Pawlet, was received: and thereupon it was Resolved, To concur with the House in their said reference.

Rec$^{d.}$ from the House an engrossed bill sent up for concurrence, entitled "An act altering the name of Silas Hoar to Silas Haws," which being read, Resolved, To concur in passing the same into a law.

Rec$^{d.}$ from the House of Representatives the following resolution, viz.

"In General Assembly Oct. 17, 1814.

Resolved, That the part of the Governor's speech which relates to the brilliant achievement & heroic conduct of Commodore McDonough, Generals Strong & Macomb, and their intrepid associates, on Lake Champlain and at Plattsburgh, be committed to a Committee of four from this House to join with such as the Governor and Council may appoint, and report by bill or otherwise:" Which being read, Resolved, To concur with the House in their said resolution; & Mr. Hall was appointed to join.

Rec$^{d.}$ from the House of Representatives the following resolution:

"In General Assembly Oct. 18, 1814.

Resolved, the Governor and Council concurring herein, that both Houses convene in the Representatives' Room at 2 o'clock P. M. this day, for the purpose of electing Visitors of the Vermont State Prison for the year ensuing:" Which being read, Resolved, To concur with the House in their said resolution.

A petition of the commissioned Military officers of Warren to be added to the fourth division, and a petition of the officers of the fourth regiment of the first brigade in the fourth division of the militia for the same purpose, were presented to [by] His Excellency and read: Whereupon, on motion, Resolved, That said petitions be referred to a Committee of three members to make report. Committee chosen, His Honor the Lt. Governor Messrs. Stevens & Willoby.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—Council met pursuant to adjournment.

Hon. Moses Robinson appeared in Council, took and subscribed the oaths of office and took his seat.

Petition of the heirs of David Miller, with an order of the House to refer the same to a Committee of four to join from Council, was received, and thereupon Resolved, That [Mr.] Miller be appointed to join said Committee. Remonstrance of the widow & heirs of David Miller was rec$^{d.}$ from the House with an order to refer the same to the joint committee on the petition of the heirs of David Miller: and it was Resolved, To concur in the said reference.

Petition of Samuel H. Holley & others was received from the House with an order on the same to refer it to a committee of four to join from Council: And it was Resolved, To join in said reference; and Mr. Robinson was appointed for that purpose.

Rec$^{d.}$ from the House of Representatives a bill entitled "An act directing the Treasurer to pay Edward Fifield the sum therein mentioned," with an order to refer the same to the joint Committee on the petition

of Samuel H. Holley & others: Whereupon Resolved, To concur in the said reference.

Petitions of Oliver Frizzle and of Samuel Chamberlain were received from the House of Representatives with an order on each to refer the same to the joint Committee of Claims: And it was Resolved, To concur in the said reference.

Petition of Charles Billings with an order of the House of Representatives to refer the same to the joint Committee of Suspensions: And thereupon Resolved, To concur in the said reference.

Petition of Seth Hammond and others with an order of the House of Representatives to refer the same to the joint military Committee, was received, and thereupon Resolved, To concur in said reference.

Rec$^{d.}$ from the House of Representatives a resolution appointing two o'clock this afternoon a time for both Houses to meet in joint Committee for the purpose of choosing a trustee of the University of Vermont in the room of the Hon. William C. Harrington deceased, [which was concurred in.]

Agreeably to the concurrent resolution for that purpose, the Governor & Council proceeded to the Representatives' Room to meet the House in joint Committee. When, by joint ballot of both Houses, Nahum Trask, William Leverett and Abner Forbes Esquires were duly elected Visitors to the State's Prison for the year ensuing: And Rev. Asa Lyon was duly chosen Trustee of the University of Vermont. Which being completed His Excellency the Governor and the Hon. Council returned to their chamber.

Adjourned to 9 o'clock tomorrow morning.

Wednesday October 19, 1814. 9 o'clock A. M.

Council met pursuant to adjournment.

Received from the General Assembly the following resolution:

"In General Assembly October 17, 1814.

Resolved, That a Committee of four from this House be raised to join from Council to take into consideration that part of the Governor's Speech which relates to raising a volunteer corps, and report by bill or otherwise," with an order to refer the same to the joint military Committee: Which being read, Resolved, To concur in the said reference.

Petitions of Warren Ellis, and of Joshua Pratt, with an order of the House of representatives on each to refer the same to the joint committee on the petition of Thomas Ward, were received, and thereupon Resolved, To concur in the said reference.

Petitions of the Selectmen of Danville, and of the Selectmen of Middlesex, with an order on each to refer the same to the joint Committee of Claims, were received, and thereupon it was Resolved, To concur in the said reference.

Petitions of Leonard Farwell, and of the Connecticut River Turnpike Company, with an order on each to refer the same to the joint Turnpike Committee, were received from the House of Representatives; and it was Resolved, To concur in said reference.

Petition of George Dyer Jun. and of Ichabod Peck, with an order on each to refer the same to the joint Committee of Suspensions, were received from the House and thereupon Resolved, To concur in the said reference.

Rec$^{d.}$ from the House of Representatives the following engrossed bills sent up for concurrence, viz. "An act altering the name of Hiram Shepherd to Hiram Doolittle," and "An act altering the name of John Tyler

to John Steele Tyler." Which being read, Resolved, To concur with the House of Representatives in passing the same into laws.

Petition of Charles Hale for an artillery Company, with an order to refer the same to the joint Military Committee, were [was] received: and on motion Resolved, To concur in the reference without reading.

At nine o'clock the Governor & Council, pursuant to a joint resolution for that purpose, proceeded to the Representatives' Room to join the House in joint Committee for the purpose of electing County Officers. After proceeding in the business the joint Committee adjourned until 9 o'clock tomorrow morning: and the Governor and Council returned to their chamber.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

The petition of Addison Stewart, a convict in the State's prison, for a pardon, being called [up] and read, On motion Resolved, That the prayer of the petition be granted, by yeas and nays, as follows—*Yeas*—Messrs. Painter, Miller, Hubbard, Willoby, Dana, Baylies, Butler, Stevens, Hall and Robinson. *Nays*—none. And that His Excellency the Governor be requested to issue a pardon to the said Addison Stewart in due form of law.

The petition of David Lewis, *alias* Jonathan Babcock, a convict in the State's prison, for a pardon, being called up and read, On motion Resolved, That the prayer of the petition be granted, by yeas and nays as follows: *Yeas*, His Honor the Lt. Governor, Messrs. Painter, Miller, Hubbard, Willoby, Dana, Baylies, Butler, Chandler, Stevens, Hall, & Robinson; *Nays*—none.

Adjourned to 9 o'clock tomorrow morning.

THURSDAY October 20, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

Pursuant to adjournment, the Governor and Council proceeded to the Representatives' Room to meet in joint committee for the choice of County Officers. After proceeding in their business the Committee again adjourned to 2 o'clock this afternoon; and the Governor and Council returned to their chamber.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Mr. Miller requested to be discharged from the Committee on the petition of the Heirs of David Miller; and thereupon Resolved, That he be discharged from said Committee: And Mr. Baylies was appointed in his room.

Pursuant to the adjournment of the joint Committee of both Houses, the Governor & Council proceeded to the Representatives' Room to join the General Assembly for the purpose of choosing County officers. After proceeding [in] the business the joint Committee again adjourned, and the Governor & Council returned to their Chamber.

Petitions of Estes Barker,—of William Avery,—of Moody Rich,—of Selectmen of Canaan,—of Jeremiah Bingham Jun. & of David Hibbard Jun., with an order of the House of Representatives on each referring the same to the joint Committee of Claims, were received: And thereupon it was Resolved, To concur in the said reference.

Petitions of Stephen Putnam,—of Reuben Washburn,—of Richard Hill,—of John Foster & others,—of John Hacket & others,—of Isaac Hibbard & others,—of Nathaniel Woodward & others,—of Danforth

Ainsworth,—of Selectmen of Waterbury,—of Henry Olin and of William Prescott, with an order of the House of Representatives on each referring the same to the joint committee on the petition of Thomas Ward, were received: and thereupon Resolved, To concur in the said reference.

Petitions of the Green Mountain Turnpike Company—of Moses Strong, William Page & others—of the Northern Turnpike Company,—of Hosea Williams & others,—of Robert Paddock and others—of Horsley Hall and the remonstrance of the Inhabitants of Rockingham, with an order on each to refer the same to the joint Turnpike Committee, were received; & thereupon Resolved, To concur in the said reference.

Petitions of Benjamin Newall, and of Alpheus Hall & others, with an order of the House of Representatives on each referring the same to the joint Committee on the petition of Benjamin Bell, were received, and on motion Resolved, To concur in the said reference without reading.

Petitions of Peleg Kingsley, and of John Guild and others, with an order of the House of Representatives to refer the same to the joint committee of Manufactures, were rec$^{d.}$ and on motion Resolved, To concur with the House in their order of reference without reading.

Petitions of Silas Hathaway, and of Jonas Philips Jun. with an order of the House to refer the same to the joint Committee of Suspensions, were received, and on motion Resolved, To concur in the said order of reference without reading.

Petitions of the Inhabitants of Worcester, and of the Inhabitants of Wolcott, with an order on each to refer the same to the third land tax Committee, were received from the House of Representatives: And on motion Resolved, To concur in the said order of reference without reading.

Petition of John Shaw and Josiah Wood with an order to refer the same to the 2^{d} land Tax Committee was received from the House of Representatives: And on motion Resolved, To concur in the said reference.

Petition of Elijah Ferguson and Sarah Pierce, with an order on the same to refer it to the joint Committee on the petition of Abel Tomlinson, was rec$^{d.}$ from the House of Representatives: And on motion Resolved, To concur in said reference without reading.

Petition of Heraldus Esterbrooks & others, with an order to refer the same to the joint Military Committee, was received from the House of Representatives: And on motion Resolved, To concur in the said reference without reading.

Petition of Lemuel Buck for a new trial, with an order of the House of Representatives referring the same to the joint Committee of New Trials, was received and on motion Resolved, To concur in said reference.

A Statement of the Visitors of the Vermont State's Prison, with an order of the House of Representatives to refer the same to a committee of four to join from Council, was received, And on motion Resolved, To join in said reference: And Mr. Robinson was appointed for that purpose.

Petition of the President and Fellows of Middlebury College was received from the House of Representatives with an order to refer the same to a committee of six to join from Council: Which being read, Resolved, To join in said reference with a Committee of three from Council: And His Hon. the Lt. Gov. to nominate them. Messrs. Hall, Baylies and Chandler were accordingly appointed.

Received from the House of Representatives the following resolution, viz.

"In General Assembly October 18, 1814.

Resolved, that a Committee of four members be appointed from this House to join such committee as the Council may appoint to enquire into the reasons why the Corporation of the University of the State of Vermont have neglected to make the annual report to the legislature agreeably to a law passed November 2d. 1810, and report to this House." Which being read, Resolved, To join said Committee; and Mr. Butler was accordingly appointed.

Adjourned to 9 o'clock A. M. tomorrow.

Friday October 21, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

Hon. G. Painter moved for leave of absence, and thereupon Resolved, That leave be granted.

Mr. Butler requested to be discharged from the committee on the petition of Thomas Ward, and on motion Resolved, That he be discharged: And Mr. Baylies was appointed in his room.

On motion Resolved, That Mr. Dana be appointed on the Committee on the petition of the Inhabitants of Pawlett in the room of Mr. Painter.

On motion Resolved, That Mr. Willoby be appointed on the Committee of Suspensions in the room of Mr. Painter.

Petitions of Elisha Baker,—of Selectmen of Waitsfield,—of Selectmen of Stowe,—of Israel Howe Jun.—William Montgomery—Holden Putnam and others—and of Samuel Bixby, with an order of the House of Representatives on each to refer the same to the joint committee on the petition of Thomas Ward, were received: And on motion Resolved, To concur in the said reference without reading.

Petitions of Joseph Call,—of Amos Staples and of Eliakim Hawks, with an order of the House of Representatives on each to refer the same to the joint Committee of Claims, were received, and on motion Resolved, To concur in the reference without reading.

Petitions of Richard Holding and of Alexander Campbell, with an order of the House of Representatives on each to refer the same to the joint Committee of Suspensions, were received, and on motion Resolved to concur in said reference without reading.

Petitions of John Ferguson and Jeremiah Prior, with an order on each to refer the same to the joint Committee of Suspensions, were received from the House of Representatives, and on motion Resolved, To concur in said reference without reading.

Petitions of William Hanson and others, and of the Inhabitants of Starksborough, with an order to refer the same to the 2d joint Committee for Land Taxes, were received from the House of Representatives, and on motion Resolved, To concur in said reference without reading.

Petition of Reuben Evarts and others was received from the House of Representatives with an order on the same to refer it to the joint Committee on the petition of Benjamin Bell, and on motion Resolved, To concur in said reference without reading.

The petition of Ebenezer Stowell was received from the House of Representatives, with an order to refer the same to the Joint Committee of Manufactures; and on motion Resolved, to concur in said reference.

Petition of Middlebury Turnpike Company was received from the House with an order to refer the same to the joint turnpike Committee, and on motion Resolved, To concur in the said reference.

The petitions of John Ferguson and Benjamin James, with an order of the House to refer the same to a Committee of two to join from

Council, was received and read, and thereupon Resolved, To join said Committee: And Mr. Robinson was appointed for that purpose.

The petition of David Page Jun. with an order to refer the same to a Committee of two to join from Council, was received from the House and read: And thereupon Resolved, To join said Committee: and Mr. Hall was accordingly appointed from Council.

The petition of Sam[l.] Wetherbee, with an order of the House to refer the same to a Committee of two to join from Council, was received and read, and thereupon Resolved, To join said Committee: and Mr. Robinson was appointed on said Committee for that purpose.

The petitions of John Burroughs, and of Levi Noble, convicts in the State's prison, for pardon,—also the petition of Worthy Beeman and others for leave to enlist and serve in the army of the United States the remainder of their term of confinement, was called up, read and on motion Resolved, That the same be dismissed.

The petitions of Alexander McLaughlin and Adolphus P. Wood, convicts in the State's Prison, were called up, read and on motion Ordered to lie on the table.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Governor and Council met pursuant to adjournment.

Received from the House of Representatives the following resolution:

"In General Assembly, October 21, 1814.

Resolved, His Excellency the Governor and the Hon. Council concurring herein, that the two houses meet in joint Committee in the Representatives' Room this day at three O'clock P. M. to elect a Major General of the third division of the militia of this State." Which being read, Resolved, To concur with the House in their said resolution.[1]

Petitions of Woodward Berry—of Elijah Foot and of Daniel Dana, with an order on each to refer the same to the joint Committee of Claims, and sent up for concurrence, were received from the House: And on motion Resolved, To concur in the said reference.

Petition of Jonathan Ware, with an order of the House to refer the same to the joint Committee of Suspensions, was received; and on motion Resolved, To concur in said reference without reading.

Petition of Moses George, with an order to refer the same to the joint Committee on the petition of Thomas Ward, was received from the House of Representatives: And on motion Resolved, To concur in said reference without reading.

Petitions of David Sheffield—and of Samuel I. Mott, convicts in the State's prison, for a pardon, was [were] called up and read and on motion Ordered to lie on the table.

Petitions of Abiathar Smith, and of Alexander Palmer, convicts, for a pardon, were called up and on motion Ordered, To be dismissed.

Adjourned to 9 o'clock tomorrow morning.

Saturday, October 22[d,] 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

Rec[d.] from the House of Representatives the following resolution for concurrence, viz.

"In General Assembly October 21, 1814.

Resolved, That the Military Committee be directed to enquire into the expediency of passing a law prohibiting officers of the militia com-

[1] Samuel Strong was elected unanimously.

panies in this State treating their soldiers on training or muster days, and that said Committee report by bill or otherwise." Which being read, Resolved, To concur with the House in their said resolution.

On motion of Mr. Dana, Resolved, That he be discharged from the Committee on the petition of the Inhabitants of Pawlett: And Mr. Stevens was appointed in his room.

Certain communications from the Governors of Tennessee and Pennsylvania to His Excellency the Governor of this State, proposing an amendment to the constitution of the United States, & communicated by His Excellency to the House of Representatives, were sent up with an order to refer the same to a Committee of four to join from Council: Which being read, Resolved, To join in said reference. And Mr. Hall was appointed for that purpose.

Received from the House a bill entitled "An act relating to advertisements," with an order to refer the same to a Committee of four to join from Council: Which being read, Resolved, To join in said reference; and Mr. Ellsworth was appointed for that purpose.

Rec$^{d.}$ from the House a bill for a road from Montpelier to Middlebury, with an order to refer the same to a Committee of four to join from Council: Which was read and thereupon Resolved, To join in said reference; and Mr. Hubbard was appointed for that purpose.

Petition of the Selectmen of Richford, with an order of the House to refer the same to a committee of two to join from Council, with instructions to report a general bill providing for this and all like claims, if they deem proper, was received and thereupon Resolved, To join in said reference; and Mr. Robinson was appointed on said Committee.

An account from the selectmen of South Hero for furnishing the detached militia in 1812, with an order of the House to refer the same to the joint Committee on the petition of the Selectmen of Richford, was received and on motion Resolved, To concur in said reference.

Petitions of Robert Morse—of John Mattocks—of Aaron Wesson—of Benjamin H. Farmer and of Robert White, with an order on each to refer the same to the joint Committee on the petition of Thomas Ward, were received from the House of Representatives: And on motion Resolved, To concur in said reference.

The petitions of Samuel Benham—of John G. Woodward—of Asa Blood—of John Martin—of Ebenezer Burt—of Henry Fitch—of John P. Hill—of Samuel Blackburn—of Benjamin Hinman—of Stephen Mc Connell—of Micah Ford—of John Slone—of Joseph Whitney—of Ebenezer Young—of John Bixby—of Elisha Moore—of John Church Jun.—of Samuel Stevens—of Samuel E. Godfrey—of Robert Mentor—of Jonathan Gilman—of Esther Mentor—and of David McKellips, convicts in the State's prison, were called up and on motion Ordered, That they be dismissed.

Petitions of Caleb Graham—of William Allen and of Joseph Bevens were called up, read, and Ordered to lie on the table.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Adjourned to 9 o'clock Monday Morning next.

MONDAY 24 October 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of Representatives the following resolution for concurrence, viz.

"In General Assembly, October 22, 1814.

Resolved, That the Committee appointed on that part of His Excellency's Speech which relates to Commodore McDonough, the illustrious Hero of Lake Champlain, be instructed to enquire into the expediency of making him a grant of a certain tract or farm of land, belonging to this State, formerly the estate of Melancthon Wolsey, lying near Cumberland Head in the State of New York, in full view of the late naval conflicts, as a reward for his meritorious services: and that they report by bill or otherwise." Which being read, Resolved, To concur in the said resolution.

An account of Job Lyman, Auditor of accounts against this State, was received from the House of Representatives with an order to refer the same to the joint Committee of Claims. Which being read, Resolved, To concur in said reference.

Petition of Adolphus P. Wood, a convict in the State's prison, for a pardon, was called up and read, and on motion Resolved, That the prayer of the petition be granted, and that His Excellency be requested to issue a pardon to the said Wood in due form of law, by yeas and nays as follows, viz. *Yeas*, His Honor Lt. Governor Chamberlain, Messrs. Miller, Hubbard, Ellsworth, Willoby, Dana, Butler, Chandler, Hall, & Robinson. *Nays*, None.

The petition of Samuel I. Mott, a convict in the State's prison, for a pardon, was called up, read and on motion Resolved, That the petition be dismissed.

The petitions of David Sheffield—of Alexander McLaughlin—of William Allen—of Caleb Graham—of Joseph Bevens, convicts in the State's Prison, for a pardon, were severally called up, read and on motion Ordered, That they be dismissed.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment.

Received from the House of Representatives the petition of John S. Gallup, and the report of the Committee thereon, with an order of that House that the same be recommitted: Which being read, Resolved, To concur in the order of recommitment.

Adjourned to 9 o'clock tomorrow morning.

Tuesday October 25, 1814. 9 o'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of Representatives the following resolution, sent up for concurrence, viz. Resolved, the Governor and Council concurring herein, that the two Houses meet in joint Committee in the Representatives' Room tomorrow afternoon at three o'clock to elect Judges of the Supreme Court for the year ensuing: Which being read, Resolved, To concur in the said resolution.

Rec$^{d.}$ from the House a bill entitled "An act repealing an act directing the deed of Job & Theoda Wood to be given in evidence," engrossed and sent up for concurrence: Which being read, Resolved, To concur in passing the same into a law.

Rec$^{d.}$ from the House the following resolution, sent up for concurrence, viz.

"In General Assembly Oct. 25, 1814.

Resolved, the Governor and Council concurring herein, that the two Houses meet in their respective rooms this day at two o'clock afternoon, and then & there proceed to ballot for a person as a Senator to represent this State in the Senate of the United States for six years from and

after the third day of March next: and that immediately afterwards the two Houses meet in the Representatives' Room to declare the person elected, and if the two Houses do not agree on the same person, that they proceed by joint ballot to elect a Senator as aforesaid:" Which being read, Resolved, To concur with the House in their aforesaid resolution.

His Excellency the Governor communicated to the Council a letter from the Secretary of War of the United States, and one from Charles J. Nourse, Asst. Adjutant General of the Army of the United States, in the latter of which is the following clause:

"It is the wish of the government, that two thousand of the militia "of your State should be drafted and organized for immediate service, "subject to the call, when necessary, of the Commanding Officer in this "quarter. There are arms at Montpelier from which such as may be "without can be furnished."

Which being read, His Excellency proposed to the Council for their consideration and advice, viz. "Can the militia, when called into actual "service, be legally commanded by any officers, except such as are ap- "pointed by this State?" Whereupon, on motion Resolved, That a Committee of three be appointed to take the question into consideration and make report. Committee appointed, His Hon. Gov. Chamberlain, Messrs. Hall & Baylies.

Rec$^{d.}$ from the House the following resolution, sent up for concurrence, viz.

"In General Assembly October 25 [24,] 1814.

Resolved, That one member from each of the Counties of Windham, Windsor, Orange, Caledonia, Orleans, Essex, and Jefferson be appointed to join such Committee as the Governor and Council may appoint to take into consideration the expediency of altering or reversing the sessions of the eastern circuit of Supreme Court, so that the said circuit may begin its session in the northern county [counties,] and report by bill or otherwise." Which being read, Resolved, To join said Committee, and Messrs. Chandler, Stevens and Dana were appointed for that purpose.

Petition of David Page Jun. with an order to refer the same to a Committee of four to join &c. was rec$^{d.}$ and on motion Resolved, To join in said reference, and Mr. Butler was appointed on said Committee from Council.

Rec$^{d.}$ from the House a bill entitled "An act in addition to and alteration of an act entitled an act incorporating certain persons therein named by the name of the Green Mountain Turnpike Company," with an order on the same to refer the same to a Committee of four to join from Council: And on motion Resolved, To join in said reference: and Mr. Miller was appointed for that purpose.

Rec$^{d.}$ from the House of Representatives the petition of Jonathan Dorr Jun. and "an act directing the Treasurer to credit and pay the town of Danville the sum therein mentioned," with an order on each to refer the same to the joint Committee of Claims: And on motion Resolved, To concur in the said reference.

Petition of Zebediah Thompson, with an order to refer the same to the joint Committee on the petition of Thomas Ward, was received from the House: And on motion Resolved, To concur in said reference.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment.

Mr. Edmond appeared in Council Chamber and informed the Governor and Council that the House of Representatives were ready to pro-

ceed to ballot for Senator, agreeably to the concurrent resolution of both Houses. On motion Ordered, That the Secretary notify the House that the Governor and Council are ready to proceed to ballot for a Senator to represent this State in the Congress of the United States, agreeably to the concurrent resolution of both Houses.

Resolved, That the Council do now proceed to ballot for some suitable person, as senator to represent this State in the Congress of the United States for six years from and after the third day of March next, pursuant to the concurrent resolution of both Houses. And the ballots being taken, sorted and counted, the Hon. Isaac Tichenor had a majority of all the votes, and was declared duly elected on the part of the Council.

Mr. Edmond from the House of Representatives appeared in the Council Chamber and informed the Governor and Council that the House had completed their balloting for Senator agreeably to the concurrent resolution of both Houses, and request the attendance of the Governor & Council in the Representatives' Room for the purpose of comparing nominations and proceeding according to law.

The Governor and Council accordingly [proceeded] to the Representatives' Room : When the above proceedings of the Governor and Council were read by the Secretary: and the proceedings of the House were read as follows, viz.

"In General Assembly October 25, 1815.

Pursuant to a concurrent resolution of both Houses of this morning, the General Assembly proceeded to ballot for a person to represent this State in the Senate of the United States for [the] term of six years from and after the third day of March next. The ballots being taken, sorted and counted, the Hon. Isaac Tichenor was duly elected on the part of the House.

Extract from the Journals. Attest, W. D. Smith *Clerk.*"

Whereupon proclamation was duly made, that the Hon. Isaac Tichenor is elected a Senator to represent this State in the Senate of the United States for six years from and after the third day of March next.

The Governor and Council then met the House of Representatives in joint Committee, agreeably to the concurrent resolution of both Houses for the purpose of electing judges of the Supreme Court of Judicature and Court of Chancery of this State for the year ensuing. The ballots being taken, sorted and counted, it appeared that the Hon. Nathaniel Chipman was elected Chief Judge, and the Hon. Daniel Farrand and Jonathan H. Hubbard Side or Assistant Judges. The Governor & Council then returned to their Chamber.

Rec$^{d.}$ from the House of Representatives the following bills, engrossed and sent up for concurrence, viz. "An act to repeal an act therein mentioned," and "An act freeing the body of John Ferguson from arrest." Which being severally read, Resolved, To concur with the House of Representatives in passing the same into laws.

Adjourned to 9 o'clock tomorrow morning.

Wednesday October 26 1814. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment.

Rec$^{d.}$ from the House of Representatives the following resolution for concurrence, viz.

"In General Assembly Oct. 25, 1814.

Resolved, That a Committee of four members from the House be appointed to join from Council to enquire into the propriety of altering the sessions of Supreme Court in the western Circuit and report by bill

or otherwise:" Which being read, Resolved, To join with the House in said Committee.

Petition of sundry inhabitants of Greensborough for a tax with the report of the Committee thereon was received from the House, with an order that the same be recommitted: Which being read, Resolved, To concur in the recommitment.

A bill entitled "An act for the relief of Lemuel Buck," brought in pursuant to the report of the Committee, with an order to refer the same to the joint Committee of New Trials, was received from the House and read, and thereupon Resolved, To concur in said reference.

The petition of the Inhabitants of Tinmouth, with an order to refer the same to the Military Committee, was received from the House: And on motion Resolved, To concur in the said reference without reading.

The petition of William A. Griswold for James McFarland, with an order to refer the same to the Committee on the petition of Thomas Ward, was rec$^{d.}$ from the House of Representatives: And on motion Resolved, To concur without reading.

The petition of Peter Powers and Tilly Walker was rec$^{d.}$ with an order of the House to refer the same to the joint Committee on the petition of Adget Lathrop: And on motion Resolved, To concur in the reference of said petition without reading.

Agreeably to the adjournment of the joint Committee of both Houses, the Governor and Council proceeded to the Representatives' room to pursue the election of County officers: And having proceeded in the business of said Committee, the same was adjourned to 2 o'clock this afternoon. And the Governor & Council returned to their Chamber.

Adjourned to 2 o'clock P. M.

2 O'clock P. M.—The Governor & Council met pursuant to adjournment, and at 2 o'clock proceeded to the Representatives' Room to meet the House of Representatives, agreeably to adjournment, for the election of County Officers. After proceeding in the business aforesaid, the joint Committee adjourned to Tuesday next at 3 o'clock P. M. and the Governor and Council returned to their Chamber.

The petition of George Dyer Jun. with the report of the Committee of Suspensions, and an order of the House to recommit the same, was received and on motion Resolved, To concur in the recommitment of said petition and report without reading.

The petition of Joseph Cofran, with an order of the House to refer the same to the joint Committee on the petition of Thomas Ward, was received and on motion Resolved, To concur in referring said petition without reading.

The petition of the Selectmen of Duxbury, with an order to refer the same to the joint Committee on the petition of the Selectmen of Richford, was rec$^{d.}$ and on motion Resolved, To concur in referring said petition.

A bill, entitled "An act granting a ferry to Wallis and John Mott," with an order of the House to refer the same to the Committee on the petition of Benjamin Bell, was rec$^{d.}$ for concurrence. And on motion Resolved to concur in said reference without reading.

The petition of Gardner Wright was received with an order to refer the same to the joint Committee on the petition of Thomas Ward: And on motion Resolved, To concur in said reference.

The Account of the Town of Rupert, with an order of the House to refer the same to the joint Committee of Claims, was rec$^{d.}$ and on motion Resolved, To concur in the reference of said petition.

Petition of the Connecticut River Turnpike Company, with the report

of the Turnpike Committee thereon, and an order of the House of Representatives on the same to recommit it, was received: And on motion Resolved, To concur in said recommitment.

Adjourned to 9 O'clock tomorrow morning.

THURSDAY Oct. 27, 1814. 9 O'clock A. M.

The Governor & Council met pursuant to adjournment.

Account of Issachar Reed, with an order to refer the same to the joint Committee of Claims, was received from the House: And on motion Resolved, To concur without reading.

Petition of John Merriam, with an order of the House to refer the same to a committee of two to join from Council, was rec$^{d.}$ & read, And thereupon Resolved, To join in said reference: and Mr. Robinson was appointed for that purpose.

A communication from the Governor of Massachusetts to His Excellency the Governor, enclosing a report of a Committee and certain resolutions of the Legislature of Massachusetts, and a letter from the President of the Senate & Speaker of the House of Representatives of that State, were received from the House of Representatives with an order to refer the same to a Committee of six to join from Council: Which being read, Resolved, To join with the House of Representatives in the said reference, and Messrs. Hall, Baylies and Chandler were appointed for that purpose on the part of Council.

Rec$^{d.}$ from the House of Representatives the following bills, engrossed and sent up for concurrence, viz. "An act directing the Treasurer of this State to pay Amos Staples the sum therein mentioned; An act in addition to an act establishing the County buildings and County Grammar Schools in Orleans County, passed Oct. 27, 1812; An act freeing the body of Nathaniel Burton from arrest; An act directing the Treasurer to pay William Avery the sum therein mentioned; An act in addition to an act entitled an act establishing a corporation by the name of the Randolph Turnpike Company, passed November 8, 1805; An act authorizing Abel Tomlinson to deed lands; An act directing the Treasurer to pay John Ferguson and Benjamin James the sum therein mentioned; An act for the relief of Joel Conkey," and "An act to incorporate certain persons therein named by the name of Addison County Manufacturing Company." Which being severally read, Resolved, To concur with the House of Representatives in passing the same into laws.

Petition of Inhabitants of Danville and Peacham for altering the County road, with an order of the House on the same to refer it to the joint Committee on the petition of the Inhabitants of Calais, was received; And thereupon Resolved, To concur with the House in their order for the reference of said petition.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment.

The following bills were received from the House of Representatives, engrossed and sent up for concurrence, viz. "An act directing the Treasurer to pay James Andrews the sum therein mentioned; An act repealing part of an act granting the exclusive right of keeping a certain ferry therein named to Augustus Johnson," and "An act directing the Treasurer to pay Oliver Frizzel the sum therein mentioned," Which were severally read, and thereupon Resolved, To concur in passing the same into laws.

A bill entitled "An act reviving an act laying a tax of three cents per acre on Avery's Gore in Addison County," was rec$^{d.}$ from the House with an order to refer the same to the first Land Tax Committee: And on motion Resolved, to concur in said reference.

A bill entitled "An act authorizing the administrator on the Rev. Oliver Plympton's estate to deed certain lands," was received from the House of Representatives with an order to refer the same to the Committee on the petition of Abel Tomlinson, and thereupon Resolved, To concur without reading.

Mr. Baylies introduced the following resolution:

"In Council October 27, 1814.

Resolved, That a Committee of one member of Council be appointed to join such Committee as the General Assembly may appoint for the purpose of enquiring whether any and what further provisions ought to be made in the judiciary department, and to report by bill or otherwise." Which was read and adopted, and Mr. Baylies was appointed.

Adjourned to 9 o'clock tomorrow morning.

Friday October 28, 1813. [9 o'clock A. M.]

Council met pursuant to adjournment.

On motion Resolved, That Mr. Robinson be appointed on the Committee [on the petition] of Adget Lathrop in the room of Mr. Painter.

Benjamin Swan Esquire appeared in Council, presented his bond as Treasurer of the State of Vermont for the year ensuing, and the oath of office was duly administered to him.

A bill entitled "An act granting a toll bridge in Berkshire," was received from the House of Representatives with an order to refer the same to the joint Committee on the petition of Benjamin Bell for amendment: And thereupon Resolved, To concur without reading.

The report of the fiscal concerns of the University of Vermont was rec$^{d.}$ from the House with an order to refer the same to the joint Committee on the resolution to enquire relative to the University of Vermont: And thereupon Resolved, To concur without reading.

A bill entitled "An act incorporating Panton Turnpike Company," engrossed and sent up for concurrence, was received from the House, Which being read, Resolved, To concur in passing the same into a law.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—A bill was received from the House of Representatives entitled "An act altering the name of Judah Throop to Judah Dana Throop," engrossed and sent up for concurrence; Which being read, Resolved, To concur in passing the same into a law.

A bill entitled "An act in addition to an act establishing a corporation by the name of the Connecticut River Turnpike Company," was rec$^{d.}$ from the House with an order to refer the same to the joint Turnpike Committee: And thereupon Resolved, To concur in said reference.

Petition of Simeon Briggs with an order to refer the same to the joint Committee on the petition of Thomas Ward was rec$^{d.}$ from the House; Which being read, Resolved, to concur in said reference.

The following resolution of the House of representatives was presented to His Excellency and by him communicated to the Council for their advice:

"In General Assembly Oct. 28, 1814.

Resolved, That His Excellency the Governor be requested, by and with the advice of the Council, to appoint Thursday the first day of De-

cember next to be observed as a day of Public Thanksgiving and Praise throughout this State:" Which being read, Resolved, That the Council do advise to appoint said day for the purpose aforesaid.

The Committee appointed to take into consideration the question proposed by His Excellency on the 25th instant made the following report, viz.

"To His Excellency the Governor, and the Honourable Council now in Session: —Your Committee to whom was referred the following question proposed by His Excellency, "Can the militia when in the actual "service of the United States be lawfully commanded by any officers "but such as are appointed by this State, except by the President of the "United States?" report that the Constitution of the United States, Art. I, Sec. 8, declares—"The Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

In Art. II, Sec. 2, "The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States."

It is the opinion of your Committee that the different clauses quoted from the federal constitution should receive a construction so as to render one clause consistent with another. The President may undoubtedly command the army and navy of the United States by officers lawfully commissioned by himself; but he cannot so command the militia of the States, when called into the actual service of the United States; for the appointment of their officers is a right reserved "to the States respectively." If therefore the President would command the militia when in the actual service of the United States, he must do it in person, or exercise his command over them by officers appointed by the State, and not by officers appointed by the President. The Congress have power to provide for organizing and disciplining the militia, and for governing such part of them as may be employed in the service of the United States. But to construe this into a constitutional right of placing the militia under the command of any officer, not of the militia, except the President, would render nugatory the following reservation, that is—"reserving to the States respectively the appointment of the officers and the authority of training the militia," &c. Your Committee consider this an important reservation in the federal constitution, favoring the sovereignty of the States, and tending to secure the rights of the people. Therefore it is not to be surrendered to the general government. As well might the officers of the militia, appointed by this State, when in the actual service of the United States, claim the right to command the army of the United States, as the officers of the army of the United States to command the militia. There is no constitutional provision for either to claim such right or exercise such command.

WILLIAM CHAMBERLAIN, *for Committee.*

Montpelier October 28, 1814.

Which was read and ordered to lie on the table.

Adjourned to 9 o'clock tomorrow morning.

SATURDAY October 29th, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

Petition of John Sias and James Sias, with an order to refer the same to the joint Committee on the petition of Thomas Ward, was rec$^{d.}$ from the House: And on motion Resolved, To concur in said reference without reading.

A bill entitled "an act for the relief of the widow and children of James Wiley," was received from the House with an order to refer the same to a committee of two to join from Council, and read, and thereupon Resolved, To join in said reference: and Mr. Miller was appointed for that purpose.

Petition of Stukeley Foster and others for a rifle company, with an order to refer the same to the joint Military Committee was received from the House: and thereupon Resolved, To concur in the reference without reading.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

The bill from the House of Representatives, engrossed and sent up for concurrence, entitled "an act establishing an academy at Chester in the County of Windsor," being called up and read, Resolved, That the following amendments be proposed, viz. In the 3^{d} Section & 2^{d}, 3^{d} & 4th lines erase the words "elect trustees of said institution, consisting of fifteen persons," and insert the words "increase their number by election to fifteen;" and at the end of the 2^{d} Section erase the words "for the benefit of said institution," and insert the words "the benefit whereof shall be exclusively appropriated by said board of trustees to the purpose of educating youth." And that the Council do concur in passing the same into a law with the foregoing amendments. Mr. Baylies was appointed to assign the reasons for the above proposed amendments.

On motion Resolved, That George Worthington be appointed Surveyor of public buildings, in the room of Timothy Hubbard, who declines accepting the office.

Petition of John Little received from the House with an order to refer the same to the joint Committee on the petition of Thomas Ward, being called up, Resolved, To concur in said reference.

A bill received from the House, entitled "an act altering and extending the mode of legal process against corporations," with an order to refer the same to a Committee of two from the House to join from Council, being called up and read, Resolved, To join in said reference: and Mr. Hubbard was appointed for that purpose.

Rec$^{d.}$ from the House the following bills, engrossed and sent up for concurrence: "An act granting a County tax on the County of Franklin; An act freeing the body of Samuel Thompson from arrest for the term of five years; An act relating to the Winooskie Turnpike; An act laying a tax of three cents per acre on the township of Greensborough; An act relating to the auditor of accounts against this State," and "An an act laying a tax of three cents per acre of Coventry;" Which being severally read, Resolved, To concur in passing the same into laws.

Adjourned to 9 o'clock tomorrow morning.

MONDAY October 31, 1814. 9 o'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of Representatives the following resolution, viz.

"IN GENERAL ASSEMBLY Oct. 28, 1814.

Resolved, That the Committee appointed to take into consideration the expediency of revising, amending or altering the Judiciary system be instructed to inquire into the necessity or expediency of establishing a Court of Chancery apart from the Courts of Law. and report by bill or otherwise." Which being read, Resolved, To concur in said resolution.

Rec$^{d.}$ from the House the following bills, viz. "An act directing the Treasurer to pay Benjamin Deming the sum therein mentioned," and "an act directing the Treasurer to pay Joseph Howes the sum therein mentioned," with an order on each to refer the same to the joint Committee on the petition of Ferguson and James: Which being read, Resolved, To concur in said reference.

The petition of Solomon Hobbs for leave to exchange lands of his wards, with an order to refer the same to the joint Committee on the petition of Abel Tomlinson, was received and read, and on motion Resolved, To concur in said reference.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Rec$^{d.}$ from the House the following resolution for concurrence, viz.

"IN GENERAL ASSEMBLY Oct. 31, 1814.

Resolved, That a Committee of two members be appointed to join from Council to enquire what ordnance has been purchased under the provision of an act passed Oct. 30, 1809, and how the same has been disposed of: and also whether the arms furnished by the United States for the use of the militia of this State have been distributed agreeable to the provision of an act passed Oct. 30, 1812, and make report to the House." Which being read, Resolved, To join said Committee; and Mr. Stevens was appointed for that purpose.

Rec$^{d.}$ from the House the following resolution for concurrence, viz.

"IN GENERAL ASSEMBLY Oct. 31, 1814.

Resolved, That the Committee of Claims be directed to examine and adjust the claims of Joseph Beeman, Joel Pratt and Henry Olin for money expended and services done in ascertaining the boundary line between this State and the State of New York, agreeably to a law passed by this legislature at their session in October 1812, and make report to this House:" Which being read, Resolved, To concur with the House in their said resolution.[1]

Rec$^{d.}$ from the House a bill entitled "An act in addition to an act entitled an act laying duties on licenses for selling wines and foreign distilled spirituous liquors, by retail," with an order to refer the same to a Committee of two to join from Council: Which was read, and thereupon Resolved, To join with the House in the reference of said bill with a Committee [of] one member, and Mr. Willoby was appointed.

A bill entitled "An act repealing a clause of an act for the relief of Samuel Bushnell," with an order to refer the same to the joint Committee of Suspensions, received from the House for concurrence, being called up, Resolved, To concur with the House in their said order of reference, without reading.

A bill entitled "An act directing the Treasurer to credit or pay the first Constable of the town of Sterling the sum therein mentioned," received from the House with an order to refer the same to the joint

[1] For report of the commissioners, see *Appendix* B.

Committee of Claims, was called up and read, and thereupon Resolved, To concur in said reference.

The petition of John Merriam, with the report of the Committee thereon, received from the House with an order to recommit the same, was called up and thereupon Resolved, To concur in said recommitment.

Petition of Charles Cushing received from the House with an order to refer the same to the joint Committee on the petition of Thomas Ward, for concurrence, being called up and read, Resolved, To concur in said reference.

Rec$^{d.}$ from the House the following bills, engrossed and sent up for concurrence, viz. "An act in addition to the act entitled an act to incorporate the Vermont Medical Society, passed Nov. 6, 1813," and "An act granting a ferry to Benjamin Bell," Which being severally read, Resolved, To concur with the House in passing the same into laws.

Adjourned to 9 o'clock tomorrow morning.

TUESDAY Nov 1, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

Rec$^{d.}$ from the House of Representatives the following bills, engrossed and sent up for concurrence: "An act directing the Treasurer of this State to credit the first Constable of Ferrisburgh the sum therein mentioned;" "An act in addition to an act entitled an act incorporating certain persons therein mentioned by the name of the St. Johnsbury Aqueduct Company;" and "An act laying a tax of two Cents per acre on the township of Wolcott," Which being severally read, Resolved, To concur with the House in passing the same into laws.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Mr. Hall introduced the following resolution:

IN COUNCIL Nov. 1, 1814.

Resolved, the General Assembly concurring herein, that both Houses meet in joint Committee in the Representatives' Room at 3 o'clock this afternoon, for the purpose of electing an auditor of accounts against this State, a Surveyor General, and a person to preach the next election Sermon, Which was read and adopted.

Rec$^{d.}$ from the House a message in writing giving notice that the House had concurred in the amendments proposed by the Council to the bill entitled "An act establishing an academy at Chester in the County of Windsor," and that the same had become a law.

Petition of Eliphalet Leonard and others with an order to refer the same to the Committee on the bill annexing [part of] Philadelphia to Goshen, received from the House of Representatives for concurrence, being called up, Resolved, To concur in said reference.

A bill entitled "An act directing the Treasurer to credit James Wallace first Constable of Bethel the sum therein mentioned," with an order to refer the same to the Committee of Claims, was received from the House: And thereupon Resolved, To concur without reading.

A petition of Moses Reed, with an order to refer the same to the joint Committee on the petition of Thomas Ward, received from the House for concurrence, being called up, Resolved, To concur without reading.

Rec$^{d.}$ from the House a bill entitled "An act directing the treasurer to pay the sums therein mentioned," engrossed and sent up for concurrence: Which being read, Resolved, To concur in passing the same into a law.

Rec$^{d.}$ from the House a message giving notice that the House had concurred with the resolution sent down from the Council this afternoon for concurrence, with an amendment, altering the time to 9 o'clock tomorrow morning. Whereupon Resolved, To concur in said amendment.

"An act concerning weights and measures," with an order to refer the same to a Committee of two to join from Council, received from the House for concurrence, being called up, Resolved, To join in said reference ; and Mr. Painter was appointed for that purpose.

A petition of Moses Fairbanks and others, with an order to refer the same to the Military Committee, received from the House for concurrence, being called up, Resolved, To join in said reference.

A bill entitled "An act incorporating the Bethel Manufacturing Company," received from the House of Representatives engrossed and sent up for concurrence, being read, Resolved, That the following amendment be proposed to said bill, viz. Add to the bill the following section—"Sec. 7. And it is hereby further enacted, That the private property of the Stockholders both real and personal shall be holden for the payment of the debts of said Corporation." And that the Council concur in passing said bill into a law with the foregoing amendment. And Mr. Hall was appointed to assign the reasons for said amendment.

The report of the Committee of Council appointed to take into consideration the question proposed by His Excellency—"Can the militia when called into actual service be legally commanded by any officers except such as are appointed by the State,"—was called up and accepted. Whereupon Mr. Baylies introduced the following resolution :

In Council 1 Nov. 1814.

Resolved, That it is the opinion of the Council that it is not the duty of His Excellency to put the detached militia of this State when in the actual service of the United States under the command of any officer commissioned by the president, but such militia are to be commanded by officers appointed by this State, or by the President in person. Which was read and ordered to lie on the table.

Adjourned to 9 O'clock tomorrow morning.

Wednesday Nov. 2, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

A bill entitled "An act granting a ferry to Wallis and John Mott," received from the House of Representatives, engrossed and sent up for Concurrence, being read, Resolved, To concur in passing the same into a law with the following proposed amendment, viz. Add to the first section the following words—"Provided that nothing herein shall be construed to prevent the Inhabitants of South Hero and Grand Isle from crossing in their own boats, or any other which they may procure for their own convenience." And Mr. Hall was appointed to assign to the House the reasons for such amendment.

The following bills were received from the House of Representatives, engrossed and sent up for concurrence &c. viz. "An act reviving an act laying a tax of three cents per acre on Avery's Gore in Addison County; An act for the relief of Jacob Winn ; an act for the relief of Elijah Stanley; An act directing the Treasurer to pay Ebenezer Winslow the sum therein mentioned ; An act directing the Treasurer to pay Issachar Reed the sum therein mentioned ; An act granting the exclusive right of keeping a certain ferry to Benjamin Newhall ; An act authorizing the Treasurer of the State to pay the sums therein mentioned," and

"An act granting a toll bridge in Berkshire." Which being severally read, Resolved, To concur in passing the same into laws.

Rec$^{d.}$ from the House of Representatives a bill entitled "An act for the relief of Laban Cousins," engrossed and sent up for concurrence, which was read, And on the question, Will the Council concur with the House in passing the same into a law? It was decided in the negative by yeas and nays as follows: *Yeas* — Mr. Dana. *Nays* — His Hon. the Lt. Governor, Messrs. Hubbard, Willoby, Baylies, Butler, Chandler, Stevens, Hall and Robinson. And Mr. Baylies was appointed a committee to draw up and report to the Governor and Council the reasons to be sent to the House for their not concurring in passing said bill.

A bill entitled "An act establishing a Corporation by the name of the Barre Turnpike Company," received from the House with an order to refer the same to the joint Turnpike Committee, being called up, Resolved, To concur in said reference.

A bill entitled "An act incorporating certain persons therein named by the name of the Newfane Cotton and Woolen Manufacturing Company," received from the House with an order to refer the same to the joint Committee of Manufactures, being called [up,] Resolved, To concur in said reference.

Agreeably to the concurrent resolution for that purpose, the Governor and Council proceeded to the Representatives' Room to meet the House in joint Committee: When the ballots being taken, sorted and counted, Job Lyman was declared duly elected Auditor of accounts against the State, John Johnson Esquire Surveyor General, Rev. Henry Davis D.D. to preach the next election [sermon,] and Rev. Nathaniel Kendrick to preach in case of his failure.

Adjourned to 2 o'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment.

Job Lyman appeared in the Council Chamber and presented himself to receive the oath of office as auditor of accounts against this State, which was duly administered to him by His Excellency the Governor.

Rec$^{d.}$ from the House of Representatives a bill entitled "An act empowering the executors of Daniel Ryan to deed certain lands," with an order to refer the same to the joint Committee on the petition of Abel Tomlinson: Whereupon Resolved, To concur in the said reference.

A bill entitled "An act directing the Treasurer to pay Elias Bates the sum therein mentioned, received from the House with an order to refer the same to the joint Committee of Claims, being called up, Resolved, To concur in said order of reference.

Rec$^{d.}$ from the House the following bills engrossed and sent up for concurrence, viz. "An act directing the Treasurer to pay Elijah Foot the sum therein mentioned," and "An act directing the Treasurer to pay or credit the first Constable of the town of Sterling the sum therein mentioned:" Which being severally read, Resolved, To concur in passing the same into laws.

Rec$^{d.}$ from the Clerk of the House a message in writing giving notice that the House of Representatives had concurred in the amendments proposed by the Governor and Council to the bill entitled "An act incorporating the Bethel Manufacturing Company;" and that the same had become a law.

Adjourned to 9 o'clock tomorrow morning.

THURSDAY November 3, 1814. 9 o'clock A. M.

Council met pursuant to adjournment.

Rec^d. from the House of Representatives a bill entitled "an act directing the Surveyor of Public Buildings to procure stoves for the State House," with an order to refer the same to a Committee of two to join from Council, which being read, Resolved to join in said reference; and Mr. Dana was appointed for that purpose.

A bill entitled "An act in addition to an act entitled an act establishing permanent salaries for judges of the Supreme Court of this State," received from the House with an order to refer the same to a committee of one member from each County to join from Council, was called up and read, And thereupon Resolved, To join with the House in referring said bill: and Messrs. Painter and Dana were appointed for that purpose.

A bill entitled "An act establishing a corporation by the name of the Peru Turnpike Company," received from the House with an order to refer the same to the Turnpike Committee, being called up, Resolved, To concur in said reference.

A bill entitled "An act directing the Treasurer of this State to pay the sum therein mentioned," received from the House with an order to refer the same to the joint Committee of Claims, being called up, Resolved, To concur in said reference without reading.

A bill entitled "An act for the relief of Jonathan Dorr Jun." engrossed and sent up from the House of Representatives for concurrence &c., being called up and read, Resolved, To concur with the House in passing the same into a law.

Mr. Baylies, appointed for that purpose, reported the following reasons for not concurring in passing the bill entitled "An act for the relief of Laban Cousins," viz. "Reasons assigned why the Governor and Council do not concur with the General Assembly in passing the bill entitled "an act for the relief of Laban Cousins." The Governor and Council have heard the petition of Laban Cousins, which accompanies the bill; also have seen the report of the Committee made thereon. The Governor and Council are of opinion that money in the County Treasury in the County of Addison is property in which each person belonging to the County has a common interest with all other persons belonging to the same County; and that the freemen of the County by electing the representatives to the General Assembly did not delegate power to such representatives to do any act by report or otherwise, which would justify the legislature in passing a law directing money te be paid out of the County Treasury, as a gift to the said Laban Cousins. The Governor and Council are of opinion that, if the legislature have power to pass the law, the power is derived from the constitution and laws of the State, not from the consent of the Representatives of the County; therefore the legislature may pass the law as well without as with their consent, and may direct one sum to be given as well as another. The Governor and Council doubt the existence of a power in the Legislature to pass a law directing money to be paid out of any treasury in this State, by way of gift to any individual, except it be out of the State Treasury. They see not, if the legislature have a right to lay their hand on the money in the treasury of a County, and give it to an individual, why they have not the right to put their hand into the treasury of every corporation in the State to take its money and give it away without any consent on the part of the corporation. Corporations, as well as individual citizens, have their rights, which cannot be infringed by the legislature. Money in a County treasury is corporate property, under the controul of the corporation, to be expended, according to existing laws,

in paying its debts, and for objects necessary for the well being of the County. Such money cannot, by a legislative act, be taken from the corporation, and given to an individual person, any more than the property of one citizen can be taken and given to another. It is true that the legislature may by its act empower a corporation to make a donation, but the legislature cannot direct a corporation to make a donation any more than it can a private citizen. The bill in favor of Laban Cousins directs the treasurer to pay him eighty dollars by instalments, as the County Court shall direct. This bill cannot be considered as empowering the County of Addison to make a donation, and then leaving it at the option of the County whether to make it or not. But it directs the money to be paid, as though the legislature had a controul over the treasury of that County. The Governor and Council find no precedent for such a law."

Which being read were adopted. And it is Ordered, That they be sent to the House of Representatives with the bill aforesaid.[1]

The resolution introduced by Mr. Baylies on the 1 November, expressing the opinion of the Council respecting the right of the United States Officers to command the militia, being called up, it is Ordered, That the same be amended, so as to read as follows:

"Resolved, That it is the opinion of the Council that it is not made the duty of His Excellency, by the constitution of the United States, to put the detached militia of this State, when in the actual service of the United States, under the command of any officer commissioned by the President; but such militia are to be commanded by officers appointed by the State, or by the President in person."

Whereupon Resolved, That the same be adopted and become a resolution of Council, by yeas and nays, as follows: *Yeas*, His Hon. the Lt. Governor, Messrs. Painter, Hubbard, Willoby, Dana, Baylies, Butler, Chandler, Stevens, Hall, Miller, and Robinson. *Nays*, None.

The Committee, to whom was referred the petition of the Commanding Officers of a military company in Warren, praying to be annexed to the fourth regiment, first brigade and fourth division of the militia, made the following report,—

To His Excellency the Governor and the Council now sitting: Your Committee, to whom was referred the within petition report, that in their opinion the prayer thereof ought to be granted.

Montpelier, Nov. 3, 1814. WM. CHAMBERLAIN, *for Committee.*

Which was read and accepted. Whereupon on motion Resolved, That the following order be adopted:

It is ordered, by His Excellency Martin Chittenden Esquire, Governor, Captain General and Commander in Chief in and over the State of Vermont, by and with the advice of the Council of said State, that the company of militia raised in the town of Warren in the County of Addison now attached to the second regiment of the first brigade and third division of the militia of this State, and all the militia which are or may be raised in said town of Warren, shall hereafter be annexed and belong to and be mustered with the [fourth regiment of the] first brigade in the fourth division of the militia of this State. And the officers and pri-

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[1] After the reading of the reasons in the Assembly, the bill objected to was dismissed, and subsequently another was passed empowering the judges of the court, if they shall deem it expedient, to allow not exceeding eighty dollars, and draw orders for the same on the county treasurer, &c. See printed *Laws* of 1814, p. 82.

vates of the militia of Warren aforesaid are directed to govern themselves in all things accordingly.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

A petition of M. Lester and B. C. Fenton, with an order to refer the same to the committee on the petition of Abel Tomlinson, was rec$^{d.}$ from the House and thereupon Resolved, To concur in the said reference.

A bill entitled "an act in addition to an act establishing a corporation by the name of the Connecticut River Turnpike Company," reported by the Turnpike Committee, with an order to refer said bill to the Turnpike Committee, was received from the House and on motion Resolved, To concur in said reference.

Petition of Jonathan Ware, with the report of the Committee of Suspensions thereon and an order to recommit the same, was rec$^{d.}$ from the House: And thereupon Resolved, To concur in said order of reference.

A petition of Mary Beach for relief, with the report of the Committee thereon and an order to recommit the same, was received and on motion Resolved, To concur in said order of reference.

Adjourned to 9 o'clock A. M. tomorrow.

FRIDAY Nov. 4, 1814. 9 o'clock A. M.

Council met according to adjournment.

A bill entitled "An act assessing a tax on the County of Essex," with an order to refer the same to the members of the County of Essex, was rec$^{d.}$ and on motion Resolved, To concur without reading.

Report of the Treasurer of the State of the balances due the Treasury with an order to refer the same to a Committee of two to join from Council, was received from the House and on motion Resolved, To concur in said reference without reading: and Mr. Butler was appointed for that purpose.

Received from the General Assembly the following bills, engrossed and sent up for concurrence, viz. "An act directing the Treasurer to pay Estes Barker the sum therein mentioned; An act laying a tax of two cents per acre on the town of Parkerstown; An act directing the Treasurer to pay John Mattocks the sum therein mentioned; An act directing the Treasurer of this State to credit James Wallace the sum therein mentioned; An act directing the treasurer to credit and pay the town of Danville the sums therein mentioned," which being severally read, Resolved, To concur with the House of Representatives in passing the same into laws.

Rec$^{d.}$ from the House of Representatives the following resolution for concurrence, viz.

"IN GENERAL ASSEMBLY Nov. 3, 1814.

Resolved, That the Legislature of Vermont, having duly considered the amendment of the constitution of the United States, proposed by the Legislatures of Tennessee and Pennsylvania, to reduce the term of service of Senators in Congress from six to four years from the time they enter upon the duties of their appointment, deem it inexpedient to adopt the proposed amendment, and that His Excellency the Governor be requested to transmit a copy of this resolution to the executives of the several States." Which being read, Resolved, To concur with the House in their said resolution.[1]

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[1] See *Appendix* C.

Rec$^{d.}$ from the House of Representatives the following resolutions for concurrence, viz.

"Whereas His Excellency the Governor of this State has communicated to this Assembly a circular letter from the Legislature of the Commonwealth of Massachusetts, with a certain resolution of their General Court, requesting this Legislature to appoint delegates to meet with delegates from the other States of New England or any of them at Hartford in the State of Connecticut on the fifteenth day of December next to confer on various important subjects and devise and suggest for their adoption, by those respective States, such measures as they may deem expedient:

"Therefore, Resolved, That having attentively considered the request of the General Court of Massachusetts, it is the opinion of this House that the appointment of delegates in conformity with that request is not expedient.

"Resolved, that His Excellency be requested to transmit, as soon as may be, a copy of these resolutions to the executive of Massachusetts."

Which being read, Resolved, To concur with the House in their said resolutions.[1]

Adjourned to 2 o'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment.

On motion Resolved, That Mr. Painter be appointed on the Committee on that part of His Excellency's Speech which relates to Commodore McDonough, in room of Mr. Hall, who has leave of absence.

Petition of Asa Chamberlain, with an order to refer the same to the Committee on the petition of Thomas Ward, was rec$^{d.}$ from the House and on motion Resolved, To concur in said reference without reading.

A bill entitled "An act directing the Treasurer to pay to certain persons therein named the sums therein mentioned," with an order to refer the same to the Committee on the petition of the Selectmen of Richford, was received from the House and on motion Resolved, To concur in said reference.

Rec$^{d.}$ from the House of Representatives the following bills, engrossed and sent up for concurrence &c. viz. "An act directing the petitions for ferries and turnpike roads to be published; An act directing the treasurer to pay Joseph Howes the sum therein mentioned; An act directing the treasurer to pay Benjamin Deming the sum therein mentioned; An act dividing the East and West Parishes of Windsor into separate & distinct towns; An act freeing the body of Timothy Hinman from arrest or imprisonment for the term of two years." Which being severally read, Resolved, To concur in passing the same into laws.

A bill entitled "an act for the relief of Lemuel Buck," engrossed and sent up for concurrence &c. was received from the House and read, and on the question, will the Council concur in passing the same into a law, it was decided in the negative.

Adjourned [to] 9 o'clock A. M. tomorrow.

Saturday Nov. 5, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

A bill entitled "An act in addition to an act entitled an act regulating and governing the militia of this State," with an order to refer the same to the joint military committee, was received from the House: and thereupon Resolved, To concur in said reference without reading.

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[1] See *Appendix* D.

On motion Resolved, That Mr. Miller be appointed on the Committee of Manufactures in the room of Mr. Hall who has leave of absence.

Petition of Irad Allen & Daniel Fuller, and a bill entitled "an act directing the Treasurer of the State to pay Elisha Parlin the sum of 20 dollars & 4 cents, with an order on each to refer the same to the joint committee on the petition of Thomas Ward, were received: and on motion Resolved, To concur in said reference without reading.

Petition of the selectmen of Middlesex was received from the House with an order to refer the same to the committee on the petition of the selectmen of Richford; And on motion Resolved, To concur in said reference.

A bill entitled "an act repealing the first section of an act relating to the State's prison," received from the House of Representatives with an order that the same be referred to the committee on the report of the visitors of the State's prison being called up, on motion Resolved, To concur in said reference.

A bill entitled "An act directing the Treasurer of this State to credit the first constable of Williamstown the sum therein mentioned," received from the House with an order to refer the same to the joint Committee of Claims, for concurrence, was called up, and on motion Resolved, To concur in said order of reference.

A bill entitled "an act in addition to an act entitled an act ascertaining the principle on which the list of this State shall be made up, and directing the listers in their office and duty," received from the House of Representatives with an order to refer the same to the joint Committee of manufactures, for concurrence, being called up, on motion Resolved, To concur in said order of reference.

Mr. Baylies introduced the following resolution, viz.

In Council Nov. 1 [5,] 1814.

Resolved, That a committee of one member be appointed to join such committee as may be appointed by the General Assembly to see if any and what measures would be proper to be adopted to procure the opinions and determinations of the Hon. Supreme Court of this State, in issues of law &c. to be reported. Which was read and on motion Resolved, That the same be adopted and become a resolution of this Council. And Mr. Baylies was accordingly appointed.

His Honor the Lt. Governor introduced a bill entitled "An act exempting public lands from taxes," which was read and referred to a committee of three members, viz. Messrs. Painter, Baylies and Chandler.

Adjourned to 2 o'clock P. M.

2 O'clock P. M.—Accounts of the Selectmen of Whiting, and of the Selectmen of Highgate, with an order on each to refer the same to the joint Committee on the petition of the Selectmen of Richford, rec$^{d.}$ from the House for concurrence, being called up, Resolved, To concur in said order of reference.

A bill entitled "an act granting to the President & Fellows of Middlebury College the property, rights and credits of the Vermont State Bank," with an order to refer the same to a committee of one member from each County to join from Council, being received from the House and read, Resolved, To join in said reference: and His Honor the Lt. Governor and Messrs. Robinson, Hubbard and Butler were appointed for that purpose.

A bill was received entitled "An act for the relief of Mary Beach," with an order to refer the same to the joint committee on the petition of Abel Tomlinson: And on motion Resolved, To concur in said reference.

Adjourned to 9 o'clock A. M. tomorrow.

MONDAY November 7, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

A bill entitled "An act making further provision in the Judiciary department," was received from the House with an order to refer the same to a committee of four to join from Council, and on motion Resolved, To join said reference: and Mr. Baylies was appointed for that purpose.

A bill entitled "An act laying a tax on the County of Chittenden," was rec$^{d.}$ from the House of Representatives with an order of that House to refer the same to the members of the legislature from that County: and on motion Resolved, To concur in said reference.

Petition of Jonathan Hoyt and an account of the Town of Huntsburgh [Franklin] were received from the House with an order on each to refer the same to the joint Committee on the petition of the Selectmen of Richford: And on motion Resolved, To concur in the said reference.

A bill entitled "An act establishing Windsor Female Academy," was received from the House with an order to refer the same to a committee of two to join from Council: And on motion Resolved, To join in said reference.

A bill making compensation to the persons therein named—a petition of Jeremiah Meacham, and an account of John Towle were received from the House with an order on each to refer the same to the joint committee on the petition of Thomas Ward: And thereupon Resolved, To concur in the said reference.

A bill granting a new trial to Richard Holding in certain actions therein named, was rec$^{d.}$ from the House with an order to refer the same to the joint committee of New Trials: And on motion Resolved, To concur in said reference.

A bill for the relief of John Merriam, with an order to refer the same to the committee on the petition of John Merriam, was rec$^{d.}$ from the House: And on motion Resolved, To concur in said order of reference.

A bill entitled "An act incorporating an academy at Wallingford in Rutland County," engrossed and sent up for concurrence, being called up and read, was referred to Messrs. Baylies and Dana for amendment.

The following bills were received from the House of Representatives, engrossed and sent up for concurrence, viz. "An act directing the treasurer to pay Harry Hale the sum therein mentioned; An act establishing a corporation by the name of the Newfane Cotton and Woollen Manufacturing Company; An act directing the treasurer to credit certain persons the sums therein mentioned; An act freeing the body of Nathan Parks from arrest or imprisonment; An act empowering the administrators of Matthew Fenton to convey a certain tract of land therein mentioned; An act for the relief of William P. Graham Esquire; An act directing the treasurer to pay the sum therein mentioned; An act incorporating the Pawlett Manufacturing Company; An act establishing a company of riflemen in the second regiment, 2^{d} brigade, & 2^{d} division of the militia of this State; An [act] authorizing the administrators of David B. Hunt to sell lands; An act in addition to an act entitled an act laying duties and licenses for selling wines and foreign distilled spirituous liquors by retail; An act directing the treasurer to pay the sum therein mentioned." Which being severally read, Resolved, To concur in passing the same into laws.

Mr. Baylies, appointed for that purpose, made the following report:

"The reasons stated why the Governor and Council do not concur with the General Assembly in passing the bill entitled "An act for the relief of Lemuel Buck:"

"The Governor and Council find that Amos Marsh Esquire, adminis-

trator on the estate of Angus Nicholson, on the 28th of November 1810, commenced an action of debt against said Buck to be entered on the docket of the County Court then next to be holden at Middlebury in the County of Addison on the last Monday of February 1811. Said Amos Marsh deceased before that time and the said Nicholson had no other administrator appointed before the entry of said action, which was entered at that term and continued to the next term of said Court in August 1811, when John Marsh as administrator to said Nicholson was entered Plaintiff in said action ; and said Buck was defaulted, and judgment rendered against him for $586.14 debt & damages and the cost taxed at 20 dollars & thirty five cents.

" Provision is made by law, that if the Plaintiff die after the commencement of his suit, and before it is entered, that his executor or administrator may enter and prosecute ; but if the Plaintiff has no executor or administrator there is no provision for the entry of such action.

"As Amos Marsh and the said Nicholson had no executors or administrators, at the time said action was entered, the proceedings may be considered erroneous on account of the entry. But if said Buck would reverse the judgment for said error, he should have complied with the law, which says : " No judgment in any real or personal action shall be reversed or avoided for any error or default therein unless the writ of error be commenced and duly served on the defendants in error within one year next after the rendition of such judgment and not after." The Governor and Council consider this a beneficial law, which tends to lessen litigation, and give security after one year to those who have erred in legal proceedings.

" The Governor & Council learn, that said Buck brought a writ of error, on the record of said judgment, before the Supreme Court in Bennington County at their session in February 1812, which writ of error was continued to their session in February, 1813. The writ was not brought on account of the death of the said Amos Marsh, but for other errors supposed to appear of record, called errors in law. Bringing the writ for errors in law and no others, may be considered as a waiver of objections to errors in fact, such as were occasioned by the death of the said Amos Marsh. It farther appears to the Governor and Council, that after the statute of limitation had run against bringing a writ of error on account of the death of said Amos Marsh, to wit, in February 1813, the said Buck, finding that the errors in law which he had assigned in his writ did not exist, moved the said Supreme Court for leave to amend, by striking out the errors assigned, and inserting for errors in fact the death of the said Amos Marsh before the entry of the action which he commenced ; also that said Nicholson had no executor or administrator at the time. The said Supreme Court afterwards, at their adjourned session in May 1813, allowed said motion, and directed said amendment to be made : but said Buck, having lost said writ of error, did not make said amendment. It is not pretended that John Marsh administrator occasioned the loss of said writ, or had any thing to do with it. It however appears that he, at the term last aforesaid, moved the Court that the said Buck should produce the writ, and the Court ordered that he should supply the files by the first day of the then next term, which order the said Buck has not complied with, although he attempted to file a new writ of error, which was not sustained by the Court, and which said Buck must have known could not supply the place of the old one.

" When it is considered that the said statute of limitation had run against bringing a writ of error on account of the death of the said Amos Marsh, at the time said Buck moved the Court to amend his writ, the granting of that motion, if it did not amount to leave to make a new

writ, was in avoidance of the statute of limitations, and went to the extremity of the law which allows amendment.

"If the said Buck had proceeded to trial on his writ of error without amendment, the Court must have rendered judgment in favor of John Marsh, Administrator, the defendant in error, for just damages for the delay occasioned by the writ, and single or double costs at their discretion. To avoid this the said Buck could not demand the amendment of his writ, as a matter of right; for it was discretionary with the Court, whether to allow it or not; therefore the allowance of the amendment may be considered a favor granted to the said Buck. He now asks another favor of this legislature, and wishes a statutory provision to be made to suspend the operation of the statute of limitations, as it relates to his case, that he may bring another writ of error. The Governor and Council would observe, that by statute it is made the duty of Courts, in all civil actions before them, to give judgment according to the right of the case and matter in law, without regarding imperfections and defects in the writ and declaration unless pointed out by special demurrer. The object of the law is justice, which is not to be prevented, though sometimes delayed, by errors in legal proceedings. After final judgment, only one year is allowed for a party to hunt up errors and bring his writ; and then the writ is not to be favored, but the record is sometimes amended to sustain the judgment, which defeats the writ. In the case of Lemuel Buck the Governor and Council consider that he has had all reasonable indulgence, and see no cause for passing a bill to enable him to bring another writ of error, to reverse the judgment on account of the death of Amos Marsh; especially when it does not appear that the said Buck has been injured by the death of said Marsh, or that the said Buck does not honestly owe the money contained in said judgment to John Marsh, Administrator on the estate of said Nicholson deceased."

Which was read and adopted and ordered to be sent to the General Assembly with said bill.

Adjourned to 2 O'clock P. M.

2 o'clock P. M.—Council met according to adjournment.

Rec$^{d.}$ from the House of Representatives the following resolution, viz.

"In General Assembly Nov. 5, 1814.

Resolved that a Committee of two members be appointed to join from Council to inquire whether any and if any what measures it would be expedient to adopt to cause the sabbath to be more properly respected and observed, and make report by bill or otherwise." Which being read, Resolved, To concur, and Mr. Hubbard was appointed to join.

Rec$^{d.}$ the following resolution from the House of Representatives, viz.

"In General Assembly Nov. 5, 1814.

Resolved, That a Committee of two be appointed to join from Council to enquire into and report a bill directing the mode of collecting the taxes yet due the treasury of this State from the town of Canaan." Which being read, Resolved, To join said Committee, and Mr. Miller was appointed to join &c.

The following bills were received from the House, engrossed and sent up for concurrence &c. "An act directing the mode of taking depositions to be used before the Committee of Canvassers," and "An act directing the treasurer to pay Christopher Roberts the sum therein mentioned," Which being severally read, Resolved, To concur in passing the same into laws.

Adjourned to 9 o'clock tomorrow morning.

TUESDAY November 8, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

The following bills were received from the House of Representatives, engrossed and sent up for concurrence, viz. "An act to incorporate the Brattleborough Gun Factory Company; An act in addition to an act passed Oct. 29, 1805, entitled an act confirming a Grammar School in the County of Rutland; An act appointing a collector for the town of Pittsford; An act incorporating the Saxton Village Cotton & Woolen Manufacturing Company; An act for the relief of Laban Cousins; An act in addition to an act entitled an act regulating fees; An act in addition to and alteration of an act relating to the duties of a Grand Jury empanelled by the Supreme Court; An act altering the name of Jefferson County and for other purposes; An act for the relief of Peleg Kingsley & others; An act incorporating Barre Turnpike Company; An act appointing a Committee to lay out a road through the town of Calais, and for other purposes," which being severally read, Resolved, To concur in passing the same into laws.

The Committee, to whom was referred the bill introduced by His Honor the Lt. Governor, reported a bill amended, entitled "an act exempting public lands from taxes," and that the same ought to pass, with amendments: which report was accepted, and on motion the bill passed to be sent to the General Assembly for their concurrence &c.

A bill entitled "An act for the relief of the widow & Children of James Wiley, deceased," was received from the House of Representatives, engrossed and sent up for concurrence &c. was read, And on motion, Resolved, that the following amendment be proposed to said bill, viz. Strike out the words "annually for three years in trust for the use and benefit," and insert in lieu thereof the words—"in trust as a donation from this legislature for the immediate relief," and that the Council concur in passing the same into a law with the above proposed amendment. And His Honor the Lt. Governor was appointed to assign to the House their reasons for said amendment.

Rec^{d}. from the General Assembly a bill entitled "An act relating to State printing," engrossed and sent up for concurrence, which was read and on motion Resolved, That the same be committed to Mr. Willoby for proposals of amendment.

Mr. Edmond, from the House of Representatives appeared in the Council Chamber and returned the bill entitled "an act exempting public lands from taxes," with a resolution to concur in said bill with the following amendment, viz. Erase the word "and" in the first section, fourth line, and insert the word "or," and assigned the reasons. Whereupon Resolved, To concur in said amendment.

Mr. Edmond, from the House, appeared in Council Chamber and informed the Governor and Council that the General Assembly had not concurred in the amendment proposed by the Governor and Council to the bill entitled "An act for the relief of the widow and children of James Wiley," but had repassed the same and sent it up for the concurrence of the Governor and Council: And it was ordered to lie on the table.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met according to adjournment.

Mr. Baylies introduced the following resolution, viz.

IN COUNCIL 8 Nov. 1814.

Resolved, The General Assembly concurring herein, that George Worthington be and is hereby requested to call on the Hon. Royall Tyler of Brattleboro', with whom the Statute laws of the several States,

and of the United States, belonging to this State, are deposited, and receive and bring said Statutes to the State House in Montpelier, and place the same in a book case to be provided for that purpose, in the Council Chamber, for the use and benefit of the State. Which was read and adopted.

The Committee, to whom was referred the bill entitled "an act establishing an Academy at Wallingford in the County of Rutland," reported that the bill ought to pass with the following proposed amendments: in the 6th line of the 3d Section, after the word "Academy," insert the words "not repugnant to the laws of this or the United States," and at the end of the third Section add the words "not exceeding five thousand dollars." Which was accepted, and on motion Resolved, That said amendments be proposed and that the Council do concur in passing said bill into a law, with the said proposed amendments. And Mr. Dana was appointed to assign the reason for said amendments to the House.

Recd. from the House the following bills, engrossed and sent up for concurrence, viz. "An act assessing a tax for the support of government; An act freeing the body of Samuel Barlow from arrest and imprisonment," and "An act directing the Treasurer of this State to pay the sums therein mentioned." Which being severally read, Resolved, To concur in passing the same into laws.

Adjourned to 9 o'clock tomorrow morning.

Wenesday, November 9, 1814. 9 O'clock A. M.

Council met pursuant to adjournment.

A petition of Samuel Mix, with the report of the Committee on the same, and an order to recommit the same with instructions to report facts &c. was received from the House and on motion Resolved, To concur with the House in their said order.

The following bills were received from the House of Representatives, engrossed and sent up for concurrence, viz. "An act laying a tax on the County of Chittenden; An act extending further privileges to the Northern Turnpike Company; An act in addition to an act establishing a corporation by the name of the Connecticut River Turnpike Company; An act establishing a corporation by the name of the Peru Turnpike Company; An act in addition to an act establishing a corporation by the name of the Middlebury Turnpike Company;" and "An act for the relief of John Merriam." Which being severally read, Resolved, To concur in passing the same into laws.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Council met pursuant to adjournment.

Mr. Willoby, appointed to report amendments to the bill entitled "An act relating to State printing," reported the following amendments—In the 4th line first section after "Alden Spooner" insert "and Thomas M. Pomeroy:" in the 5th line erase "one" and insert "two;" in the 6th line erase "he" and insert "they." In the 2d Section, 4th line, erase "Alden Spooner" and insert "Thomas M. Pomeroy;" in the 6th line, after the word "furnish" insert "Alden Spooner with;" and erase the third section and insert the following—"Sec. 3. And it is hereby further enacted, That if the said Thomas M. Pomeroy and Alden Spooner, or either of them, shall neglect to deliver the laws or journals to the sheriffs of the several Counties, within sixty days from the receipt of the copies aforesaid, the person so neglecting shall take no farther benefit by this act. And in case of the neglect of one only of the persons mentioned in this act and his forfeiture as aforesaid of the benefit to be de-

rived from this act, the other shall have and enjoy all the rights and benefits granted by this act to both persons aforesaid." Which being read were adopted. And thereupon Resolved, To concur in passing said bill with the above proposed amendments: And Mr. Willoby was appointed to assign to the House the reasons for said amendments.

The following bills were received from the House, engrossed and sent up for concurrence, viz. "An act for the relief of the Fairhaven Turnpike Company;" "An act appointing a committee to lay out the 4th division of land in the town of Sandgate," and "An act for the relief of Richard Holding." Which being read, Resolved, To concur in passing the same into laws.

Adjourned to 9 o'clock tomorrow Morning.

THURSDAY, November 10, 1814. 9 O'clock A. M.

Governor and Council met pursuant to adjournment.

The following bills were received from the House of Representatives, engrossed and sent up for concurrence &c. viz. "An act authorizing Clark Rogers to perform the duties of first constable of the town of Huntsburgh ; An act repealing an act directing the mode of obtaining licences and regulating inns and houses of public entertainment, passed Nov. 2, 1798; An act relating to betterments; An act annexing a part of Philadelphia to the town of Goshen; An act in addition to an act for the support of the gospel; An act relating [to] advertisements; An act incorporating the Windsor female Academy; An act directing the treasurer to pay Moody Rich the sum therein mentioned." Which being read, Resolved, To concur in passing the same into laws.

The bill entitled "An act for the relief of the widow and children of James Wiley," with the amendments heretofore proposed by the Governor and Council, was called up, and on motion Resolved, That said amendments be rescinded. And thereupon Resolved, That the following farther amendments be proposed, viz. Strike out the words "one hundred dollars annually for three years in trust for the use and benefit," and insert the words "one hundred and twenty-five dollars in trust as a donation from this legislature for the immediate relief," and that the Council concur in passing said bill into a law, with the foregoing amendment.[1]

A bill directing the treasurer to pay James H. Langdon the sum therein mentioned, with an order to refer the same to the joint Committee of Claims, was rec^{d} from the House, and Resolved, To concur in said reference.

Mr. Painter introduced a bill entitled "An act making a loan to Middlebury College," Which being read, Resolved, That the same pass to be sent to the General Assembly for their concurrence.

Adjourned to 2 O'clock P. M.

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[1] The House concurred, and so the bill became a law. The preamble to the act states that "James Wiley, late of Weybridge, in Addison County, deceased, patriotically volunteered his services under General Samuel Strong, and that, in defence of his country, he received a mortal wound, at Plattsburgh, on the 11th day of September, 1814, and hath left a widow and six children without property or means of support." Therefore a donation of one hundred and twenty-five dollars was made to Samuel Jewett of Weybridge, in trust, for the immediate relief of the widow and children.

2 O'CLOCK P. M.—Governor and Council met according to adjournment.

A petition of Daniel Dutcher, with an order to refer the same to the joint committee on the petition of Thomas Ward, was received from the House of Representatives: And on motion Resolved, To concur in said reference without reading.

The following bills were received from the House of Representatives for concurrence &c. "An act in addition to an act entitled an act constituting the Supreme Court; An act constituting the Memphramagog Turnpike Company; An act making farther provision in the Judiciary department; An act directing the treasurer to pay Daniel Dutcher the sum therein mentioned; An act relating to the State's prison," Which being read, Resolved, To concur in passing the same into laws.

Adjourned to 8 o'clock tomorrow morning.

FRIDAY November 11, 1814. 8 O'clock A. M.

Council met pursuant to adjournment.

Rec^{d} from the General Assembly the following resolution,—

"IN GENERAL ASSEMBLY Nov. 10, 1814.

Resolved, The Governor and Council concurring herein, that both Houses meet in the Representatives' Room tomorrow morning at 9 o'clock to elect three directors of the Vermont State Bank for the ensuing year." Which was read and concurred.

Rec^{d} from the House of representatives the following bills, engrossed and sent up for concurrence, viz. "An act directing the treasurer of this State to pay the sums therein mentioned; An act assessing a tax on the County of Essex; An act directing the Surveyor of public buildings to procure stoves for the State House; An act directing the treasurer to pay Daniel Dana the sum therein mentioned; An act directing the treasurer to pay J. H. Langdon the sum therein mentioned; An act for the relief of Mary Beach; An act directing the treasurer to pay Job Lyman the sum therein mentioned; An act freeing the body of Serenus Swift from arrest or imprisonment for the term of five years; An act designating a place for erecting public buildings in the County of Windham; An act appointing a committee to alter a part of the County road from Chelsea to the south line of Wheelock; An act laying out a road from Middlebury to Montpelier; An act appointing a committee to alter the County road leading from Montpelier to Danville; An act in addition to an act making provision for the payment of costs of prosecution in certain cases therein mentioned; An act altering the time for holding the County Courts in the Counties of Caledonia and Essex; An act in addition to an act entitled an act for regulating and governing the militia; An act granting to Capt. Thomas M^{c}Donough a certain tract or farm of land therein mentioned; An act making the necessary provisions for the support of government the present year," Which being read, Resolved, To concur in passing the same into laws.

On motion Resolved, That Mr. Willoby be appointed on the Committee to take into consideration the mode to be adopted to procure the collection of arrearages of taxes in this State, in the room of Mr. Miller who has leave of absence.

Rec^{d} from the House of Representatives the following resolution,—

"IN GENERAL ASSEMBLY, Nov. 11, 1814.

Resolved, The Governor & Council concurring herein, that the two Houses meet in joint committee this day at 10 o'clock for the purpose of choosing a quartermaster general." Which was read and concurred.

Rec$^{d.}$ from the House the following resolutions, viz.

"In General Assembly Nov. 11, 1814.

Resolved, The Governor and Council concurring herein, that the thanks of the Legislature of the State of Vermont be presented to the Hon. Samuel Strong, and the patriotic citizens who with him volunteered their services, cordially united under his command, to repel the formidable invasion of a sister State, for his and their distinguished services and patriotism in promptly aiding General Macomb in the defence of Plattsburgh,—bravely meeting every danger and repelling every attack; in testimony of the high sense entertained by this legislature of his gallant conduct as commander in chief of the Vermont Volunteers, and of their promptitude and bravery in defence of their Country.

"In General Assembly Nov. 9, 1814.

Resolved, The Governor and Council concurring herein, that the thanks of the legislature of Vermont be presented to Capt. Thomas M^{c} Donough, in testimony of their unfeigned gratitude and inexpressible feelings to the Hero and Patriot, for his unequalled bravery and important services in the conquest of a British Squadron of superior force on the 11th of September 1814, which protected the soil of freemen, gained the applause of millions, and merited universal respect and admiration.

Resolved, That Capt. Thomas M^{c}Donough be requested to present the thanks of this Legislature to Lieut. Stephen Cassin, Lt. Joseph Smith, Lt. Charles A. Budd, and the subordinate officers and crew of his squadron, in testimony of the high sense entertained by this legislature of their bravery and good conduct in the naval action on the memorable 11th of September 1814, which ended in the capture of the British squadron on Lake Champlain.

"In General Assembly Oct. 11 [9,] 1814.

Resolved, The Governor and Council concurring herein, that this legislature, entertaining a high sense of the undaunted bravery and skill of General Alexander Macomb, and his companions in arms, in the defence of an important post, and in discomfiture of the enemy at Plattsburgh, consisting of superior numbers and commanded by many of his ablest generals, do present to General Alexander Macomb, and through him to the officers and soldiers under his command, in the name and behalf of the freemen of Vermont, the thanks of this legislature for their gallant conduct.

"In General Assembly, Nov. 9, 1814.

Resolved, That His Excellency the Governor be requested to communicate a copy of the respective resolutions to Capt. Thomas McDonough, Hon. Samuel Strong, and Gen. Alexander Macomb, as soon as may be."

Which were read, and on motion Resolved, To concur with the House in their said resolutions.

Agreeably to the two resolutions of the House of Representatives, concurred in [by] the Council this morning, the Governor and Council proceeded to the Representatives' Room, for the purposes mentioned in said resolutions: And the votes being taken, sorted and counted, Benjamin Swan, Job Lyman and James D. Butler Esquires were declared duly elected Directors of the Vermont State Bank: and Amos W. Barnum Esquire Quarter-master general. When the Governor and Council returned to their Chamber.

On motion Resolved, The General Assembly concurring herein, that the Secretary of State be directed to publish the act making provision

for the writ of Habeas Corpus in all the newspapers printed in this State, as soon as may be.[1]

The following resolution from the General Assembly was called up, viz.

"In General Assembly Nov. 10, 1814.

Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' Room on Friday Morning at 10 o'clock A. M. for the purpose of adjourning the General Assembly without day." Which was read and concurred.

The following debenture of the Lt. Governor and Council was read and adopted, viz.

Names.	No. of Miles.	Amt of Mileages.	No. of Days.	Amt of Attendance.	Amt of Debenture.
Gov. Chamberlain	28	3 36	30	120 —	123 36
W. Hunter	64	7 68	2	3 —	10 68
E. Keyes	42	5 04	2	3 —	8 04
H. Seymour	60	7 20	2	3 —	10 20
M. Richards	92	11 04	2	3 —	14 04
B. Loomis	42	5 04	2	3 —	8 04
F. Bliss	55	6 60	2	3 —	9 60
Wm. Hall	90	10 80	21	31 50	42 30
J. Ellsworth	34	4 08	17	25 50	29 58
N. Baylies	1	— 12	30	45 —	45 12
S. Miller	30	3 60	30	45 —	48 60
J. Hubbard	40	4 80	30	45 —	49 80
G. Painter	60	7 20	22	33 —	40 20
D. Dana	75	9 —	30	45 —	54 —
J. W. Chandler	28	3 36	27	40 50	43 86
Z. Willoby	70	8 40	30	45 —	53 40
E. Stevens	40	4 80	30	45 —	49 80
J. D. Butler	60	7 20	30	45 —	52 20
S. Swift Secy.	60	7 20	30	75 —	89 20
" office	—	— —	—	7 —	
C. Keith Shff.	7	— 84	30	45 —	50 59
Wood &c.	—	— —	—	4 75	
	978	117 36	399	715 25	832 61

Agreeably to the concurrent resolution of both Houses, His Excellency the Governor, His Honor the Lt. Governor and the Hon. Council proceeded to the Representatives' Room, where the throne of grace was addressed in prayer by the Rev. Chaplain of the General Assembly: And the Legislature was adjourned without day.

Saml. Swift, *Secretary.*

The foregoing from page 109 to page 208 [of the manuscript Council Journal, Vol. 7,] is a true Journal of the proceedings of the Governor and Council of the State of Vermont at their session holden at Montpelier on the second Thursday of October in the year of our Lord 1814.

Saml. Swift, *Secretary.*

[1] For this act see printed *Laws* of 1814, p. 135.

THIRTY-NINTH COUNCIL.

OCTOBER 1815 TO OCTOBER 1816.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors.

ELIAS KEYES, Stockbridge,	MARK RICHARDS, Westminster,
JOSIAH WRIGHT, Pownal,	WILLIAM CAHOON, Lyndon,
EZRA BUTLER, Waterbury,	JOEL DOOLITTLE, Middlebury,
FREDERICK BLISS, Georgia,	JAMES TARBOX, Randolph,
WILLIAM HUNTER, Windsor,	TRUMAN CHITTENDEN, Williston,
PLINY SMITH, Orwell,	TIMOTHY STANLEY, Greensboro' .

SAMUEL SWIFT, Middlebury, *Secretary* to Oct. 14, 1815.
ROLLIN C. MALLARY, Castleton, *Secretary* from Oct. 14, 1815.
GEORGE WORTHINGTON, Montpelier, *Sheriff.*

BIOGRAPHICAL NOTICES.

Gen. WILLIAM CAHOON, son of Daniel Cahoon of Providence, R. I., and brother of Daniel Cahoon jr., the first settler of Lyndon, was born in 1774 and first appears in Vermont records as town representative of Lyndon in the General Assembly in 1802, which office he held nine years. He was delegate in the Constitutional Conventions of 1814 and 1828; Presidential Elector in 1808; Judge of Caledonia County Court 1811–1819, eight years; Councillor 1815 till 1820, five years; Lieutenant Governor 1820 till 1822, two years; and Member of Congress 1829–1833, six years. He died May 30 1833.—*Vt. Hist. Magazine*, Vol. I, title Lyndon.

JOEL DOOLITTLE was graduated at Yale College in 1799 and came to Middlebury in 1800 as the first tutor in Middlebury College. Admitted to the bar in 1801, he was a successful advocate and counsellor until

1817, when he was elected a judge of the Supreme Court. He held that office 1817 till 1823, and again in 1824; was Councillor three years, commencing in 1815; representative in the General Assembly in 1824; and member and president of the Council of Censors in 1834. He died in March 1841, at the age of 68.—Swift's *History of Middlebury*, in which see portrait.

James Tarbox, born in Merrimac, N. H., in 1759, settled in Randolph about 1794 and engaged successfully in trade. Being held in very high esteem for sound judgment and sterling integrity, he was much employed in public service. He represented his town in the General Assembly six years, first in 1797 and last in 1813; was one of the Council of Censors in 1806, Judge of Orange County Court 1806 until 1812, Councillor in 1815, and Presidential Elector in 1808 and 1832. He died Aug. 25, 1841, aged 82 years. Though he had eight children, all died of consumption, and the last of his descendants at this writing is a granddaughter, the wife of Hon. Charles Dewey of Montpelier. In a sketch of Judge Tarbox, in *Vt. Hist. Magazine*, Vol. II, p. 1051, it is erroneously stated that he settled in Randolph in 1798, since he represented the town in 1797.—*Vt. Hist. Magazine*, Vol. II, pp. 1051–2; Deming's *Catalogue;* and *Vt. Legislative Directory* for 1876–7.

Truman Chittenden, fourth and youngest son of Gov. Thomas Chittenden, followed the business of his father and settled on a farm adjoining the homestead in Williston. Hon. David Read has thus sketched his public services and character in *Vt. Hist. Magazine*, Vol. I, p. 907:

> He was justice of the peace thirty years, judge of probate eleven years, judge of the county court seven years, state councillor for twelve years, and twenty-six years a member of the corporation of the University of Vermont. He represented the town four years, and was ever employed in some public duties. His principles always aimed at truth and justice, and his example was a public blessing. He possessed a sound judgment and quick, penetrating mind, and sometimes indulged in wit and sarcasm.

Timothy Stanley, one of the original proprietors of Greensborough, settled his family in that town in 1792, though he had been there two years earlier, and as early as Dec. 1788 had lost a foot by frost in attending a meeting of the proprietors of Greensborough holden at Cabot. Notwithstanding this misfortune, he was one of the most enterprising and energetic of men in that town, and exceedingly serviceable and influential in the county for many years. He represented Greensborough thirteen years, first in 1795 and last in 1813, and was delegate in the Constitutional Convention of 1814. He was Clerk of Orleans County Court in 1801, and Judge from 1802 until 1814 and again 1815 until 1824. He was Presidential elector in 1820, and Councillor 1815 until 1825.—*Thompson's Vermont;* Deming's *Catalogue;* and *Vt. Legislative Directory* for 1876–7.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER, 1815.

The Journal of The proceedings of the Governor & Council at their session begun & holden at Montpelier on the second Thursday of October, being the 12th day of said month, A. D. 1815. Present His Excellency Martin Chittenden, Governor. His Honor William Chamberlain, Lt. Governor. The Honorable Gamaliel Painter, Solomon Miller, John W. Chandler, Zerah Willoby, Nicholas Baylies, Daniel Dana, Elias Stevens, James D. Butler, Josiah Hubbard, John Ellsworth, Councillors. Samuel Swift Esquire, Secretary. George Worthington Esquire, Sheriff.

Mr. Edmond from the house of Representatives appeared in Council Chamber & informed the Governor & Council that the House had organized by choosing the Hon. William A. Griswold Speaker & William D. Smith Clerk, pro tempore, & are ready to receive any communication which the Governor & Council may wish to make to them.

Ordered that the Secretary be directed to inform the house of Representatives that a quorum of the Council have assembled & are ready to receive any communication which the General Assembly may choose to make to them.

Mr. Fisk from the house of Representatives appeared in the Council Chamber & informed the Governor & Council that they have appointed a committee to join such committee as the Governor & Council may appoint to receive, sort & count the votes for Governor, Lt. Governor, Treasurer & Councillors for the Year ensuing.

Resolved that the Council proceed to appoint a committee of five members of Council to join the committee of the House of Representatives to receive, sort & Count the votes for Governor, Lt. Governor, Treasurer & Councillors for the Year ensuing—Committee Chosen were Messrs. Baylies, Dana, Chandler, Butler & Willoby.

Adjourned to 2 O'clock P. M.[1]

2 O'CLOCK P. M.—Council met pursuant to adjournment.

Mr. Hatch from the House of Representatives appeared in Council Chamber & informed the Governor & Council that the house of representatives had assembled & invited the Governor & Council to meet them in the representatives' room to receive the report of the Canvassing committee. His Excellency the Governor & the Hon[l]. Council accordingly repaired to the Representatives' room, when the following report was made, Viz.

"To the Honorable General Assembly now sitting: The committee appointed to receive, sort & Count the votes for Governor, Lt. Governor, Treasurer & Councillors for the Year ensuing do report & declare that the Honorable Jonas Galusha is elected Governor—The Honorable Paul Brigham Lt. Governor—and Benjamin Swan Esqr. is elected Treasurer —& that the Honorable Josiah Wright, Mark Richards, Pliny Smith,

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[1] The election sermon was preached by Rev. Henry Davis.

Elias Keyes, William Hunter, Joel Doolittle, James Tarbox, Truman Chittenden, Ezra Butler, William Cahoon, Frederick Bliss & Timothy Stanley are elected Councillors for the year ensuing.

NICHOLAS BAYLIES, *Chairman.*

Attest, U. C. HATCH."

After which the Governor & Council returned to their Chamber; and the Council adjourned to 9 O'C. A. M. tomorrow.[1]

FRIDAY October 13, 1815. 9 O'C. A. M.

Council met pursuant to adjournment.

His Honor Paul Brigham L^t. Governor & the following Councillors elect appeared in Council, To wit—the Hon^l. Elias Keyes, William Hunter, Frederick Bliss, Mark Richards, James Tarbox, Truman Chittenden & Joel Doolittle, who took & subscribed the necessary oaths of office & took their seats.

Mr. Williams from the House of Representatives appeared in Council Chamber & informed the Governor & Council that they had organized and appointed Hon. William [A.] Griswold Speaker & William D. Smith Esqr. Clerk.

Adj^d. to 2 O'C. P. M.

2 O'C. P. M.—The Governor and Council met pursuant to adjournment.

Ordered, that the Secretary be directed to inform the house that this body have organized & are ready to proceed to business.

Hon^l. Josiah Wright, & Ezra Butler, councillors elect, appeared in Council & having taken & subscribed the necessary oaths they took their seats.

Adjourned to 9 O'C. tomorrow morning.

SATURDAY October 14, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

The Honorable Jonas Galusha, Governor elect, appeared in Council Chamber & immediately with His Honor the L^t. Governor & Council proceeded to the Representatives' room, when the necessary oaths of office were administered & His Excellency delivered the following Speech.[2]

After which the Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The Petition of Samuel E. Godfrey, a convict under sentence of death, praying for a pardon, was rec^d. with an order of the General Assembly thereon referring the same to a committee of five to join from Council —whereupon it was Resolved to join said Committee of the House & Messrs. Wright, Butler & Keyes were appointed to join.

His Excellency the Governor with the advice of Council appointed Rollin C. Mallary Secretary of the Governor & Council for the year en-

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[1] The votes for Governor were as follows: Jonas Galusha, 18,055; Martin Chittenden, 16,632; scattering, 571.

[2] For the speech see *Appendix* A.

suing.—Rollin C. Mallary, having been duly appointed Secretary of the Governor & Council, was duly qualifyed [qualified] & entered upon the duties of that office.

Adjourned to Monday morning next at 9 O'Clock.

MONDAY October 16, 1816. 9 O'Clock A. M.

The Governor and Council met pursuant to adjournment.

His Honor the L^t. Governor on motion & leave introduced a bill entitled "an act granting a reprieve to Samuel E. Godfrey;" which was read, passed & ordered to be sent to the General Assembly for their concurrence.[1]

Received from the General Assembly resolutions appointing the following committees,—viz.

1st Resolution appointing a committee of the House of four members to join from Council to be denominated the Committee of Suspensions —in which the Council concurred & appointed Mr. Doolittle to join.

2nd Resolution appointing a committee of four members of the house to join a committee from Council to be denominated the Turnpike Committee, in which the Gov. & Council concurred & Mr. Tarbox was appointed to join.

3d Resolution appointing a committee of four members of the house to join such committee as the Gov. & Council may appoint to be denominated the Committee of Manufactures, in which the Gov. & Council concurred & Mr. Richards was appointed to join.

4th Resolution appointing a committee of four members of the House to be denominated the Committee of Claims, in which the Governor & Council concurred & Mr. Butler was appointed to join.

5th Resolution appointing three committees of two members each to join such committees as the Gov. & Council may appoint to be denominated the *first, second & third* land tax committees, in which the Governor & Council concurred—& Mr. Chittenden was appointed to join the *first* committee—Mr. Bliss the *Second*, & Mr. Stanley the *third*.

6 Resolution appointing a committee of four members of the House to join such committee as the Gov. & Council may appoint to be denominated the Military Committee, in which the Governor & Council concurred & Mr. Keyes was appointed to join.

Rec^d. from the House the petition of Charles Y. & Betsy [P.] Chase with an order of the house referring the same to a committee of two to join from Council—whereupon it was Resolved to join said committee & Mr. Chittenden was appointed.

The Petition of Geo. W. Weaver & others was received from the House with an order thereon referring the same to a committee of two members of the house to join a committee from Council, which was read & thereupon it was Resolved to concur with the house in said reference & Mr. Doolittle was appointed.

The Petition of Henry Hodges & others with an order of the house referring the same to a committee of two members of the house to join such committee as the Governor & Council may appoint, was received & read, whereupon it was Resolved to concur with the Gen^l. Assembly in said Reference & Mr. Wright was appointed.

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[1] Godfrey was under sentence of death, to be executed on the 20th of October then instant, for the murder of Thomas Hulet, a keeper in the State prison. The object of this bill was to give time for legislative action in the case.

The petition of Ambrose Holden with an order of the house referring the same to a committee of [the] house [three] to join such committee as the Gov. & Council may appoint, was rec$^{d.}$ & read & thereupon it was Resolved to concur with the Gen$^{l.}$ Assembly in said reference & Mr. Bliss was appointed.

The Petition of Peter Merritt with an order of the house referring the same to a committee of two members of the house to join such committee as the Governor & Council may appoint was received & read & thereupon it was Resolved, to concur with the house in said reference & Mr. Keyes was appointed to join.

The Petition of Surviah Anderson—the Petition of Joel Hamilton & Hannah Claghorn were received with an order of the house on each referring the same to the joint committee on the petition of Peter Merrit, which were severally read & it was thereupon Resolved to concur with the General Assembly in their said references.

A Bill entitled "an act granting a sum of money to Jerusha Lyman" with an order thereon of the House referring the same to a committee of four members of the house to join such committee as the Governor & Council may appoint, which was read, & thereupon it was Resolved to concur with the House in said Reference & Mr. Butler was appointed.

The petition of Beriah Woodward was received with an order of the house referring the same to a com^{ee} of two members of the house to join such committee as the Gov. & Council may appoint, which was read & it was Resolved to concur with the house in said reference & Mr. Hunter was appointed to join.

The petition of Rhoda Johnson was received with an order of the house referring the same to a committee of three to join, which was read & it was Resolved to concur with the House in said reference & Mr. Richards was appointed to join.

The Petition of Josiah Lawrence was received with an order of the house referring the same to the joint committee on the petition of Rhoda Johnson, which was read & it was thereupon Resolved to concur with the Gen$^{l.}$ Assembly in said Reference.

The petition of Harvey Gilman was received with an order of the House to refer the same to a committee of four to join such committee as the Governor & Council may appoint, which was read & thereupon it was Resolved, to concur with the General Assembly in said reference & Gov. Brigham was appointed.

The Petition of Eleazer Flagg & Rufus Parker with an order of the House referring the same to a committee of the house of two members to join such committee as the Governor & Council may appoint, which being read it was Resolved to concur with the General Assembly in said reference & Mr. Tarbox was appointed to join.

The Petition of the Selectmen of Fairhaven & Westhaven was rec$^{d.}$ with an order of the General Assembly referring the same to a committee of four members of the house to join such committee as the Gov. & Council may appoint—which being read it was Resolved to join in said committee of the house & Mr. Keyes was app$^{d.}$

The petition of Patrick Johnson with an order of the house thereon referring the same [to] a committee of the house to join such committee of the Council as the Governor & Council may appoint, was received & read & it was thereupon Resolved to concur with the General assembly in said reference & Mr. Bliss was appointed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Received the petition of Simeon Hicks & others—the petition of Abel Grant & others—the petition of John Bradley & others—the petition of

Amos Howard 2d & others—the bill relating to the Waltham Turnpike, with an order of the house on each referring the same to the joint Turnpike Committee—which were severally read & it was Resolved to concur with the General assembly in said reference.

Recd. the Petition of Elias Bates with an order of the house referring the same to the joint Committee of Claims—which being read it was Resolved to concur with the General assembly in said reference.

The Petition [of] Gershom S. Spencer & the petition of Nathan Burton & others were received with an order of the house on each referring the same to the joint Military Committee, which being severally read it was thereupon Resolved to concur with the General assembly in said references.

Mr. Clapp of the General assembly appeared in Council Chamber & returned the bill entitled an act granting a reprieve to Samuel E. Godfrey with proposals of amendment by the House, viz. by erasing out the word "*first*" in the 1st Section before the word "*friday*" & insert the word "*Second.*"—Mr. Clapp assigned the reasons of the house for said Amendment & he withdrew. The Governor & Council then proceeded to consider said amendment when it was Resolved to concur with the house in the same.

Received from the House the petition of Westmore—the petition of Lutterloh [Albany]—the petition of Craftsbury—the petition of Jay—the petition [of] Sheffield—the petition of Joseph Buck & others for a tax on Irasburgh—each praying for land taxes, with an order of the house referring the same to the 1st land tax committee—which being read it thereupon was Resolved to concur with the house in referring the same.

The petition of Christopher Bartlett & others—the petition of Sewall Cutting—the petition of David Hazeltine were received with an order of the house referring the same to the joint Committee of Claims—which being read it was thereupon Resolved to concur with the General Assembly in referring the same.

The petition of Rufus Bugbee—the petition of Sebron [or Sebrean] C. Taylor—the petition of the Brattleboro Artillery Company—the Petition for a company of Riflemen in Middlebury, were received with an order of the house referring the same to the joint Military Committee, & they were severally read & it was Resolved to concur with the General Assembly in said reference.

The Petitions of Oliver Perrin—of Jonas Phillips—of Asa Morse—of Anthony Jones—of Daniel Staniford—of Ephraim Skinner—of Elisha Lewis—of Arnold W. Dix—of William Smith—of Samuel Payne—of Samuel Dudley—of Amasa Soper were received from the General assembly with an order on each referring the same to the joint Committee of Suspensions, which were severally read & it was thereupon Resolved to concur with the General Assembly in their said references.

Received from the house the petition of John Steward with an order of the General assembly thereon referring the same to the joint Committee on the Petition of the Inhabitants of Salisbury, which being read it was thereupon Resolved to concur with the General Assembly in said reference.

Received from the house the petition of Joseph Dixon with an order of the house referring the same to the joint committee on the petition of Ambrose Holden, which being read it was thereupon Resolved to concur with the Genl. Assembly in said reference.

The petition of Caleb Clapp was received from the house with an order thereon referring the same to the joint Committee of Manufactures, which being read it was Resolved to concur with the General Assembly in said reference.

Rec$^{d.}$ from the house a Resolution appointing the 17th day of the present month at 4 o'clock P. M. a time for both houses to meet in County Conventions to nominate county officers, & that they meet in the Representatives' room on Wednesday morning for the purpose of electing such officers ; which was read & it was thereupon Resolved to concur with the Gen$^{l.}$ assembly in passing the same.

Adj$^{d.}$ to 9 O'C. A. M. tomorrow.

TUESDAY October 17, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Received from the House a resolution appointing 10 A. M. this day a time for both houses to meet in joint committee for the purpose of electing a chaplain for the present Session of the General Assembly—which being read it was Resolved to concur with the General assembly in passing the same.

The Hon$^{l.}$ Timothy Stanly [Stanley] & William Cahoon, members elect of the Council, appeared in Council Chamber, when they took & subscribed the several oaths [of] office & took their seats.

The petition of Abishai Hoisington with an order of the House thereon referring the same to a committee of 4 members to join such committee as the Gov. & Council may appoint, was received & read & it was thereupon Resolved to concur with the General Assembly in said reference, & Messrs. Wright & Cahoon were duly appointed.

The Petition of Jerahmeel Cummings with an order of the house thereon referring the same to the joint committee on the Petition of A. Hoisington was received & read & thereupon it was Resolved to concur with the General Assembly in said reference.

The Petition of Stedman Martin with an order of the house thereon referring the same to a committee of three members of the General Assembly to join from Council, which was read, Whereupon it was Resolved to concur with the house in said reference and Mr. Stanley was appointed.

The petition of William Hill & Nathaniel Lawrence—of Alexander Campbell, with orders thereon of the house referring the same to the joint Committee of new Trials, were received & being read it was Resolved to concur with the General Assembly in said reference.

Pursuant to the resolution of the house & Concurred in this morning by the Governor & Council, the Governor & Council proceeded to the Representatives' room to meet the House in joint committee for the purpose of electing a Chaplain for the present Session, which being done the Gov. & Council returned to their Chamber, & resumed the consideration of business.[1]

The petition of Coit's Gore with an order of the House thereon referring the same to a committee of 4 members to join from Council [was received,] which was read & thereupon it was Resolved to concur with the House in said reference & Mr. Richards was appointed.

The petition & remonstrance of Bakersfield—of John Warner & others were received with an order of the House referring the same to the joint Committee appointed on the petition of Coit's Gore, which being read it was Resolved to concur with the house in said reference.

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[1] The Rev. Henry Davis, the preacher of the election sermon, had been appointed by the House, but he declined. The House balloted three times in succession without a choice, when the Council on request of the House joined, and Rev. Nathaniel Kendrick was elected.

The Petition of Isaac Warner & others—of William H. Williams with an order of the house on each referring the same to the joint Turnpike Committee—which being read it was thereupon Resolved to concur with the General assembly in said reference.

The petition of the Inhabitants of Athens & Brookline [was received] with an order of the House referring the same to the joint committee on the petition of Abishai Hoisington, which being read it was thereupon Resolved to concur in said reference.

The petitions of Nathaniel S. Russell—of Anthony Jones were received with an order of the house on the same referring the same to the Committee of Suspensions, which being read Resolved to concur with the house in said reference.

The petition of the proprietors of Landgrove [was received] with an order of the house referring the same to a committee of two [members] of the house to join from Council, which being read it was thereupon Resolved to join & Mr. Cahoon was appointed.

The petition of Glover with an order of the house thereon was received referring the same to the 1st joint land tax committee, which being read it was Resolved to concur with the house in said reference.

The Petition of Peru was received with an order of the house thereon referring the same to the 2d joint land tax comee, which being read it was thereupon Resolved to concur with the General Assembly in said reference.

The petition of Dudley Chase & others was received with an order of the house referring the same to a committee of two members of the House to join such Committee as the Gov. & Council may appoint, which was read & thereupon it was Resolved to concur with the house in said reference & Mr. Tarbox was appointed.

Petition of Select men of Athens with an order of the house referring the same to a Committee of three to join from Council, which being read it was Resolved to concur in said reference & Mr. Stanley was appd.

The Petition of John Wellman was received with an order of the house referring the same to a committee of three to join from Council, which was read & it was Resolved to concur in said reference & Mr. Hunter was appd.

The Petition of Freeman Haynes was received with an order of the house referring the same to a committee of two members of the house to join from Council—which being read it was Resolved to concur with the House in said reference & Mr. Chittenden was appointed.

Received from the house the bill entitled "an act in addition to the several acts already passed respecting marriage & divorce," with an order of the house referring the same to a committee of two members of the house to join from Council—which being read it was Resolved to concur with the house in said reference & Mr. Doolittle was appointed to join.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Governor & Council met pursuant to adjournment.

The petitions of Eleazer Flagg—of B. Sargeants [Sargent,]—of Cyrus A. Lockwood—of Carver Bates—of Josiah Marsh, each praying for an act of suspension, were received with an order of the house on each referring the same to the joint Committee of Suspensions, which were severally read & it was Resolved to concur with the house in each of said references.

The petition of Simeon Rising—of the Windham Turnpike Coy—of Samuel Burbank & others with an order of the house on each referring

the same to the joint Turnpike Com^ee—which were severally read & it was thereupon Resolved to concur with the House in said references.

The Petition of Select men of Faystown was received with an order of the House on the same referring it to the joint Committee of Claims—which being read it was Resolved to concur with the General Assembly in said reference.

The petitions of Nathan C. Johnson—of Nathan Lathrop, with an order of the house on each referring the same to the joint committee on the petition of Martin & Newman, which being severally read it was Resolved to concur with the house in their said reference.

The petition of Inhabitants of Starksborough was rec^d with an order of the house on the same referring it to the joint committee on the petition of the Inhabitants of Salisbury, which being read it was Resolved to concur with the house in said reference.

The petition of Lutterloh [Albany] was received with an order of the house referring the same to a committee of two to join from Council, which being read it was thereupon Resolved to concur with the General assembly in said reference, and Mr. Cahoon was appointed.

The petitions of Worcester & of Troy were received with an order of the House on each referring it to the 1^st joint land tax committee, which being read it was Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. tomorrow.

WEDNESDAY October 18, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petitions of Sylvanus Brigham, of Nathan Parker, of Orrick Locke, of Silas Hatheway, of Henry Chandler, of William Felt & of Ovid Burrall were received with an order of the House on each referring the same to the joint Committee of Suspensions, which being read it was thereupon Resolved to concur with the house in said reference.

The petitions of the Winooskie Turnpike Company—of the Pawlett Turnpike Company—of the Burlington Turnpike Company—of the Inhabitants [of] Winhall—of Isaac Ramsdell—of Mosely Hall—of Josiah Rising—of Seth P. Sheldon—of Sylvanus Reynolds—the remonstrance of Dorset, with an order of the house on each to refer the same to the joint Turnpike Committee, which were severally received from the house & read & thereupon it was Resolved to concur in said reference.

Received the bill entitled "an act directing the Treasurer to pay Jedediah Hammond the sum therein mentioned"—also the petitions of Holden Putnam—of Harry Hale—of Joseph Scott—of Ansell Merritt, with an order of the General assembly thereon referring the same to the joint Committee of Claims, which were severally read & it was thereupon Resolved to concur with the house in said reference.

The petitions of Navy [Charleston]—of Kingston [Granville]—of Moretown—of Waitsfield—of Barton—of Warren, praying for land taxes, with orders of the house thereon referring them to the 2^nd joint land tax Committee, [received,] which were severally read & it was thereupon Resolved to concur with the house in said reference.

The petition of Asa Smith & others—the petition & remonstrance of George Bidwell & others were received with an order of the house thereon referring the same to the joint committee on the petitions of West & Fairhaven, which were read & it was Resolved to concur with the House in said reference.

The petitions of Lemuel Buck & Christopher S. Bailey were received with orders thereon referring the same to the joint Committee of New

Trials, which were read & it was thereupon Resolved to concur with the house in said reference.

The petitions of Moses Brown—of Daniel Sanborn & Eli Smith were received with an order of the house on each referring the same to the joint committee on the petition of Martin & Newman, which were read & it was thereupon Resolved to concur with the house in said reference.

The petition of Stephen Higginson & others was received from the house with an order thereon referring the same to the joint Committee of Manufactures, which was read & it was thereupon Resolved to concur with the House in said reference.

The petition of Seth Wood was received with an order of the House referring the same to the joint Military Committee—which being read it was Resolved to concur with the house in said reference.

The petition of the Inhabitants of Vershire & Strafford was received with an order of the house thereon referring the same to the joint Committee on the petition of Salisbury, which being read it was Resolved to concur with the house in said reference.

The Governor & Council proceeded to the Representatives' room & met the house in joint Committee for the purpose of electing County Officers & after making progress in said business they returned to their Chamber.

The petition of Curtiss Holgate was received with an order of the house thereon referring the same to the joint Committee on the petition of Ambrose Holden—which being read it was Resolved to concur with the house in said reference.

Received from the House the bill directing the Treasurer to pay the sum therein mentioned with an order of the house to refer the same to the joint Committee on the petition of Harvey Gilman, which being read it was Resolved to concur with the house in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The petition of Ira Fox was received with an order of the house thereon referring the same to the joint Committee on the petition of Ambrose Holden—which being read it was Resolved to concur with the house in said reference.

Pursuant to the adjournment of the joint Committee the Governor & Council proceeded to the Representatives' room to meet the house in joint committee for the purpose of electing county officers & after making progress the joint Committee adjourned to tuesday next in the afternoon at 2 o'clock when the Governor & Council returned to their Chamber & resumed the consideration of business.

Rec^{d} from the house the accounts of Estus Barker, I. Reed, Moses Turner, Jeremiah Lee ; also an act for the relief of the first Constable of Williamstown, of Ebenezer Parkhurst—of J. H. Munson—of Eber Eager—of Bohun Shepherd, with an order of the house on each referring the same to the joint Committee of Claims, which were severally read & it was Resolved to concur with the General Assembly in said reference.

Received the petition [of] Benjamin Reynolds—of William A. Griswold & others — of Inhabitants of Berlin & Moretown — of Jonas F. Packard—of Randall Rice & others—also a bill incorporating the Green Mountain Turnpike Company, with an order of the House on each referring the same to the joint Turnpike committee—which being severally read it was Resolved to concur with the General Assembly in said reference.

The petitions of J. Smith Jr. Phinehas Gale & others, Peter Heath & Asa Barnard's bill were received with orders of the house thereon re-

ferring the same to the joint committee on the petition of Martin & Newman, which were severally read & it was Resolved to concur with the General Assembly in said reference.

The petitions of Brownington, of Montgomery, of St. Albans, of Braintree, of Inhabitants of Braintree against a land tax, & the act reviving a land tax on St. Albans, were received & each contained an order of the House referring the same to the Second joint land tax Committee—which were severally read & it was thereupon Resolved to concur with the house in said references.

The petition of John Matthews was received with an order of the House referring the same to the joint Military Committee, which being read it was thereupon Resolved to concur with the house in said reference.

Received from the house the bill entitled "an act in addition to an act regulating & governing the militia of this State, with an order of the house thereon referring the same to the joint Military Committee, which being read it was Resolved to concur with the general Assembly in said reference.

The petition of James H. Farnsworth with an order of the house thereon referring the same to the joint Committee of Manufactures, was received & read whereupon it was Resolved to concur with the house in said reference.

The petitions of the overseers of the poor of Hubbarton—of Seth Wetmore, for new trials, with an order of the house on each referring the same to the joint Committee of new trials, were received & read, whereupon it was Resolved to concur with the house in said reference.

The petitions of David Lamphire & of John Proctor were received from the house with orders thereon referring the same to the joint Committee of Suspensions, which being read it was thereupon Resolved to concur with the house in said reference.

The petitions of Peter Shaw—of Samuel Griffin—were received with an order of the house on each referring the same to the joint committee on the petition of Dudley Chase, which being read it was thereupon Resolved to concur with the house in said reference.

The petition of Jonathan Powers was received with an order of the house referring the same to a committee of three to join from Council, which being read it was Resolved to concur in said reference & Mr. Keyes was appointed to join from Council.

The bill entitled "an act for designating a place for the erecting of the County buildings in the County of Bennington," was received with an order of the house thereon referring the same to a committee of four to join from Council, which being read it was Resolved to concur with the house in said reference & Mr. Hunter was appointed to join.

Received from the house the report of Visitors of the State's prison with an order of the house referring the same to a committee of the house to join, which being read it was Resolved to concur with the house in said reference & Mr. Cahoon was appointed to join.

The petition of Tabitha Burnham was received with an order of the house thereon referring the same to a committee of four members to join —which being read it was Resolved to concur with the House in said reference & Mr. Richards was appointed to join.

The petition of Wells was received with an order of the house referring the same to a committee of four members to join from Council—which being read it was thereupon Resolved to concur in said reference & Mr. Stanley was appointed to join.

Received from the House a resolution directing the committee raised on the report of the Visitors of the State's prison to take into consider-

ation the laws regulating the State's prison &c. which being read it was Resolved to concur with the General Assembly in passing said resolution.

Adjourned to 9 O'C. A. M. tomorrow.

THURSDAY October 19, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Mr. Smith, Councillor elect, appeared in Council, who took & subscribed the oaths of office & took his seat.

Mr. Smith was appointed on the joint Committee of New Trials.

A resolution of the house was received appointing 10 O'clock of the forenoon of this day a time for both houses to meet in joint committee to elect Judges of the Supreme court, which being read it was Resolved to concur with the General assembly in passing the same with a proposal of amendment by erasing the words "*tomorrow morning*" & insert "*Friday morning next*," & Mr. Keyes was appointed to assign the reasons to the house.

Received a resolution of the house appointing a committee of the house to join from Council to enquire whether any farther provision ought to be made for paupers &c. which being read it was Resolved to concur with the house in passing the same & Mr. Smith was appointed to join.

A petition for a Turnpike from Holland to Burke was received from the House with an order thereon referring the same to the joint Turnpike Committee—which being read it was Resolved to concur with the General assembly in said reference.

The Petition of Richard Jenness was received with an order of the house thereon referring the same to the joint committee on the petition of Harvey Gilman, which being read it was Resolved to concur with the house in said reference.

The petition of Fayston for a land tax was received with an order of the house to refer the same to the 2^{d} joint land tax Committee—which being read it was Resolved to concur with the house in said reference.

The petition of Jonathan Cutler was received with an order of the house referring the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in said reference.

Received the bill entitled an act directing the Treasurer to pay the sums therein mentioned, with an order of the house referring the same & the accompanying papers to the joint committee on the petition of Martin & Newman, which being read it was thereupon Resolved to concur in said reference.

Lt. Gov. Brigham & Messrs. Hunter & Stanley were appointed a committee to take into consideration petitions of the State's prison convicts & report thereon.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

The petition of Dan Stone & that of Ferrisburgh were received with an order of the House referring the same to the joint turnpike committee; which being severally read it was Resolved to concur with the house in said reference.

The petition of C. Prescott was received with an order of the house referring the same to a committee of 4 members of the house to join, which being read it was thereupon Resolved to join said committee & Mr. Smith was appointed.

The petition of Oliver Moulton was received with an order of the house referring the same to the joint committee on the petition of C.

Prescott—which being read it was thereupon Resolved to concur in said reference.

The petition of Peter Powers & Tilly Walker was received with an order of the house referring the same to a committee of three members of the house to join from Council, which being read it was Resolved to join said committee & Mr. Smith was appointed.

The petition of Elias Keyes—of Hosea Williams were received with an order of the house on each referring it to the joint Turnpike Committee, which being read it was thereupon Resolved to concur with the house in said reference.

The petitions of Reuben Wickwire & Simeon Hatheway was received with an order of the house referring the same to the joint Committee of New Trials, which being read it was Resolved to concur with the house in said reference.

The petition of A. G. Britton was received with an order of the house to refer the same to the joint committee on the petition of Dudley Chase & others, which was read & it was Resolved to concur with the house in said reference.

The petitions of Willard [Chapman]—P. Little—Samuel Blackburn —O. Willard—B. Hinman—Sam[l] Benham, convicts confined within the State's prison, were read & dismissed.

The petition of Phinehas Blood was received with an order of the house thereon referring the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in said reference.

The petition of Maidstone was received with an order thereon referring the same to the 3[d] joint committee of Land taxes, which being read it was thereupon Resolved to concur with the house in said reference.

The petition of Reuben Holland was received with an order of the house referring the same to the joint committee on the petition of Martin & Newman, which being read it was thereupon Resolved to concur with the house in said reference.

The petition of John Martin, a convict of State's prison praying for a pardon, was now called up & taken into consideration & on the question Shall the prayer of said petition be granted ? the yeas & nays were taken as follows, viz. *Yeas*, Gov. Brigham, Messrs. Smith, Keyes, Hunter, Tarbox, Chittenden, Butler, Cahoon, Bliss & Stanley.—*Nays*, none. So the prayer thereof was granted; and the Secretary issued the pardon & warrant of release from prison accordingly.

Adjourned to 9 O'clock A. M. tomorrow.

Friday October 20, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

His Excellency the Governor ordered the following communication to be sent to the General assembly:

To the Honorable William A. Griswold Esqr. Speaker of the House of Representatives:

Sir,—I herewith transmit to you to be laid before the General Assembly Resolutions of several States concerning proposals of amendment to the Constitution of the United States.

Numbers 1 to 5 inclusive contain resolutions from the States of Massachusetts, Connecticut, New York, New Jersey & Pennsylvania on the subject of several proposals of amendment to the Constitution by the States of Massachusetts & Connecticut.

Numbers 6 to 10 inclusive contain resolutions of the several States of Maryland, Georgia, Rhode Island, New Hampshire & North Caro-

lina on a proposal of amendment to the Constitution of the United States reducing the term of service of the Senators of Congress from six to four years.[1]

The General Assembly will please to adopt such measures relating thereto as the subject may require. JONAS GALUSHA.

Council Chamber Oct. 20, 1815.

The petition of Holden Farnsworth was received with an order of the House referring the same to the [a] joint committee of two from the house & such as the Gov. & Council may appoint, which being read it was Resolved to concur with the house in said reference & Mr. Bliss was appointed.

The petition of David Sanderson was received with an order of the House referring the same to the joint Committee of Suspensions, which being read it was Resolved to concur with the house in said reference.

The account of Job Lyman—the petitions of Samuel Mattocks—of Select men of Fairfield—of Joseph Killam—of John Little—of Elijah Burroughs—of Henry S. Merritt [Merrill] & of Nathaniel Cobb 2d were received with an order of the house on each referring the same to the joint Committee of Claims, which being severally read it was Resolved to concur with the house in said reference.

The audited account of the State's prison was received with an order referring the same to the joint comee on the report of the Visitors of the State's prison, which being read it was Resolved to concur with the house in said reference.

The petition for a tax on Northfield was received with an order thereon referring the same to the 3d joint land tax committee, which being read it was Resolved to concur with the house in said reference.

The petitions of Salem & of Derby were received with an order of the house referring the same to the 2nd joint land tax committee—concurred.

The bill entitled an act to authorize the town Clerk of Strafford to transcribe a part of the records of the town &c. was received with an order thereon referring the same to the joint committee on the petition of Fair & Westhaven—which being read it was Resolved to concur with the House in said reference.

The petition of Patty Hugh was received from the house with an order thereon referring the same to a committee of the house of four members to join from Council—which being read it was Resolved to concur with the house in said reference & Mr. Butler was appointed to join.

The petition of Francis Hoy was received with an order of the house referring the same to a Committee of the house of two members to join from Council, which being read Resolved to concur with the house in said reference, & Mr. Smith was appointed.

Received from the house the bill entitled "an act authorizing the administrators to the estate of Dudley Chase late of Cornish [N. H.] deceased to sell & convey certain lands of said deceased," with an order of the house referring the same to the joint committee on the petition of Dudley Chase & others, which being read it was Resolved to concur with the house in said reference.

Received the petition of the President & Directors of the Poultney Turnpike Coy with an order of the house referring the same to the joint Turnpike committee—which was read & Resolved to concur with the house in said reference.

Received from the house a resolution directing the committee on the petition of Francis Hoy to enquire into the expediency of repealing or

[1] See *Appendix* C.

altering the law relative to Hawkers & Pedlers &c. with an order of the house referring the same to the joint committee on the petition of Francis Hoy—which was read & it was Resolved to concur with the house in passing said resolution.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Benjamin Swan Esqr Treasurer of the State of Vermont elect came into Council Chamber & presented [a] bond in the penal sum of one hundred thousand dollars conditioned for the faithful performance of the duties of his office as Treasurer, signed by himself as principal & Elias Keyes & Charles Marsh as sureties ; which being read was approved & accepted ; whereupon the oaths of office were duly administered to him as Treasurer as aforesaid.

Received from the House a resolution requesting His Excellency the Governor with the advice & consent of Council to appoint Thursday the 7th day of December next as a day of public thanksgiving & praise throughout this State ; which was read & passed.

Received the petitions of John M^{c}Clure—of Inhabitants of Holland—of Marshall Keith—& the bill entitled an act granting a sum of money to John M^{c}Clure, with an order of the house on each referring the same to the joint Committee of Claims, which were read & it was thereupon Resolved to concur with the house in said reference.

The petition of Elias Keyes was received, praying for a new Trial, with an order of the House referring the same to the joint Committee of New Trials, which being read it was thereupon Resolved to concur with the house in said reference.

The petition of A. Williams & an act for the relief of Noah Taylor were received with an order of the House referring the same to the joint committee on the petition of Martin & Newman, which being read it was Resolved to concur with the house in said reference.

A bill entitled "an act reviving a land tax on the town of Peacham" was received with an order of the house referring the same to the 2^{d} joint land tax committee, which being read it was Resolved to concur with the house in said reference.

The petitions of the following persons, convicts confined in the Vermont State's prison praying for pardon, viz. M. Rawlin; Wm. Johnson ; John P. Hills; Francis Pilca; Rich^{d} Holliday; J. Church Jr.; John Bixby; Alex^{r} Palmer ; E. Moore ; Levi Noble ; H. Rose ; John Brown ; John G. Woodward ; George Wilson ; J. Whitney ; John Van Wymar ; Moses Gowin ; David M^{c}Killip Jr.; H. O. Smith ; Ebenezer Burt & Willard Chapman—were severally read & dimissed.

The pet. of Bristol Benet, a convict of State's prison whose term of service had expired & confined for costs, was read & dismissed.

The petition of John Sloan, a convict of State's prison praying for pardon, was read & on the question Shall the prayer thereof be granted? the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Richards, Smith, Keyes, Hunter, Doolittle, Butler, Cahoon, Bliss & Stanley. *Nays* none. So the prayer thereof was granted.

Petition of John Lewis, a convict of State's prison praying for pardon, was read & on the question Shall the prayer thereof be granted ? the yeas & nays were called for & taken as follows, viz.

[*Yeas*,] Gov. Brigham, Messrs. Richards, Smith, Keyes, Hunter, Doolittle, Butler, Cahoon, Bliss & Stanley. *Nays* none ; so the prayer thereof was granted.

The petition of Thomas Chambers, a convict of State's Prison praying for pardon, was read & on the question Shall the prayer thereof be granted ? the yeas & nays were called for & taken as follows, Viz.

Yeas, Gov. Brigham, Messrs. Richards, Smith, Keyes, Hunter, Doolittle, Butler, Cahoon, Bliss & Stanley. *Nays* none. So the prayer thereof was granted.

The petition of George Moore a convict of State's prison, was called up, praying for a pardon, which was read & it was moved that the yeas & nays be taken on the question shall the prayer thereof be granted, & were taken as follows — Viz. — *Yeas*, Gov. Brigham, Messrs Richards, Smith, Keyes, Hunter, Doolittle, Butler, Cahoon, Bliss & Stanley. *Nays* none, so the prayer thereof was granted.

The petition of David Sheffield, a convict of State's prison, was called up, praying for a pardon, which was read & the yeas & nays were called for & taken on the question shall the prayer of said petition be granted, as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Richards, Smith, Keyes, Hunter, Doolittle, Butler, Cahoon, Bliss, Stanley. *Nays* none, so the prayer thereof was granted.

Adjourned to 9 O'C. A. M. tomorrow.

Saturday Oct. 21, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petitions of Asahel Stiles, of Seth P. Sheldon & others, of David Cotton & others, of Jedediah Freeman & others, of Solon Dyer & others were received with orders of the house on each referring the same to the joint Turnpike Com^ee^, which were read & thereupon it was Resolved to concur with the house in said reference.

The petition of Amos Felton was received with an order of the house referring the same to a committee of six of the house to join from Council, which being read it was Resolved to concur with the house in said reference, & Mr Stanley was appointed to join.

The bill entitled an act in addition to an act establishing the Middlebury turnpike company with an order of the house referring the same to the joint Turnpike Committee [received,] which being read Resolved to concur with the house in said reference.

Received a resolution of the House directing the committee on the bill introduced by Mr. Elliot to inquire into the propriety of passing a law explanatory of the 2^nd^ Section of an act &c. concerning bills of divorce &c. which being read it was Resolved to concur in passing said resolution.

Received from the House a resolution appointing a committee of four members to join such committee as the Gov. & Council may appoint to take into consideration the law regulating freemen's meetings—which being read it was thereupon Resolved to concur in said reference [resolution] & Gov. Brigham was app^d^.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The petition of Aaron Jackson was received with an order of the house referring the same to the joint Turnpike committee, which being read it was Resolved to concur with the house in said reference.

Adjourned to 9 O'C. A. M. on Monday next.

Monday October 23^d^ 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

His Excellency the Governor directed the following Communication to be sent to the Gen^l^ Assembly:

To The Hon. W. A. Griswold Esqr Speaker of the House of Representatives. Sir,—I hereby communicate to you for the information of the house that there is a vacancy in the board of trustees of the University of the State of Vermont occasioned by the resignation of the Rev^{d} Willard Preston. Also a vacancy in the office of Brigadier General 1st Brigade & 1st Division of the militia of this State, by the resignation of Brig$^{r.}$ Gen$^{l.}$ Abner Perry. Also in the 2nd Brigade & 3^{d} division by the resignation of Brig. Gen$^{l.}$ John Newell; also in the 3^{d} Brigade & 3^{d} Division by the resignation of Br. Gen$^{l.}$ Jacob Davis; the Gen$^{l.}$ Assembly will please to take proper measures to fill the vacancies thus occasioned.
Montpelier Oct. 23^{d,} 1815. JONAS GALUSHA.

Received from the House a resolution appointing a committee consisting of a member of the house from each County to join to enquire into the propriety of removing the permanent seat of the legislature from Montpelier to Burlington & Windsor alternately[1]—which being read it was Resolved to concur with the house in passing said resolution & Messrs. Smith, Richards & Cahoon were appointed.

The petition of Reuben Evarts was received with an order of the house referring the same to a Committee of two members of the house to join, which being read it was Resolved to join in said Committee & Mr. Chittenden was appointed.

The bill entitled "an act appointing a committee to lay out a road from St. Johnsbury to Barton" with an order of the House thereon referring the same to a committee of two members of the House to join, which being read it was thereupon Resolved to join said Committee & Mr. Keyes was appointed.

Received from the House an engrossed bill entitled an act directing the Treasurer to credit the 1st Constable of Fayston the amount of the State tax for the year 1814, which being read it was Resolved to concur with the house in passing the same into a Law.

Received the engrossed bill entitled "an act directing the Treasurer to pay Job Lyman the sum therein mentioned," which being read it was Resolved to concur with the house in passing the same into a law.

The Petition of Joseph Bivins, a convict of State's Prison praying for pardon, was read & on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Richards, Smith, Hunter, Doolittle, Chittenden, Butler, Cahoon, Bliss & Stanley—*Nays* none—so the prayer was granted.

The petition of Jonathan Gilman, a convict of State's prison praying for a pardon, was read & on the question Shall the prayer of said petition be granted? the yeas & nays were called for & taken as follows :
Yeas, Gov. Brigham, Messrs. Richards, Smith, Hunter, Doolittle, Chittenden, Butler, Cahoon, Bliss & Stanley—*Nays* none—so the prayer thereof was granted.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The petition of the President of Waterford & Whitehall Turnpike Company with an order of the house referring the same to the joint

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[1] "In case of a removal as aforesaid to make provision for the appraisal of, and the payment for, the public buildings in Montpelier, agreeably to the third section of an act passed the 8th day of November, 1805, entitled 'an act establishing the permanent seat of the Legislature at Montpelier.'"—See printed *Assembly Journal* of 1815, p. 50.

Turnpike Committee—which being read it was Resolved to concur in said reference.

Received from the house a resolution appointing a committee of four members to join from Council to take into consideration the act entitled "an act in addition to an act constituting the Supreme & County Courts" &c. &c. which was read & it was Resolved to concur with the House in passing said resolution & Mr. Wright was appointed to join.

The petitions of Pliny Shattuck—of the Green Mountain Turnpike Corporation — of Nicholas Harrington with an order of the house on each were received which were referred to the joint Turnpike Committee, which were read & it was Resolved to concur with the house in said reference.

The petition of Richard P. Cooley was received with an order of the House referring the same to a committee of three members to join from Council, which being read it was Resolved to concur with the House in said reference & Mr. Doolittle was appointed to join.

The bill entitled an act incorporating the Westminster Manufacturing Company was received with an order of the house referring the same to the joint Manufacturing Committee, which was read & Resolved to concur with the house in said reference.

Mr Richards was excused from the consideration of said last mentioned bill & Mr. Hunter appointed for that purpose.[1]

Received the bill entitled an act directing the Treasurer to pay Samuel Corliss the sum therein mentioned with an order of the House referring the same to the joint committee on the petition of Martin & Newman, which being read it was Resolved to concur with the house in said reference.

The bill entitled an act authorizing the Town Clerk of Lutterloh [Albany] to transcribe certain records with an order of the House to refer the same to the joint committee on the petition of Fairhaven & Westhaven, which being read it then was Resolved to concur with the General Assembly in said reference.

Adjourned to 9 O'C. A. M. tomorrow.

Tuesday October 24, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

The petition of Jonathan Howland with an order of the house referring the same to the joint committee on the petition of Dudley Chase & others, which being read it was Resolved to concur with the house in said reference.

The engrossed bill entitled "an act for the relief of Benaiah Woodward" was received, sent up for revision &c. &c.—which being read it was thereupon Resolved to concur with the house in passing the same into a Law.

The petitions of Worthy Beaman, of William Allen, & of J. Burroughs & Asa Blood, convicts confined for certain crimes in the State's prison, praying for pardon, were called up, read & dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

His Excellency the Governor ordered the following communication to be sent to the house,—

To the Hon. William A. Griswold Speaker of the House of Representatives. Sir,—I communicate to you for the information of the General

[1] Mr. Richards resided at Westminster and was interested.

Assembly that there is a vacancy in the Office of Brigadier General of 2d brigade & 2d division of Militia of this State, occasioned by the resignation of Brigadier General Jonathan Orms ; the General Assembly will please to take proper measures to fill the vacancy.

Montpelier Oct. 24, 1815. JONAS GALUSHA.

The engrossed bill entitled "an act directing the Treasurer to pay Samuel Mattocks the sum therein mentioned" was received from the House for revision, concurrence &c. which being read it was Resolved to concur with the House in passing the same into a law.

The Petition of Stephen McConnell, a convict of the State's Prison praying for pardon, was called up, read & Ordered to be dismissed.

The Governor & Council proceeded to meet the House of Representatives in joint Committee to elect County Officers & after progress the joint Committee adjourned [to] 10 O'Clock A. M. tomorrow; & they returned to the Council Chamber & adjourned to 9 O'C. A. M. tomorrow.

WEDNESDAY October 25, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

The petition of Silas Hathaway, which has been once committed to the Joint Committee of Suspensions & now received in Council with an order of the house to recommit the same—whereupon Resolved to concur with the house in the recommitment of the same.

The petition of Ira Fox, & a bill accompanying the same, with an order of the House to refer the same to the joint Committee on the petition of Ambrose Holden, which being read, thereupon it was Resolved to concur with the House in said reference.

Received the bill entitled an act establishing the Marshfield Turnpike Company with an order of the house to refer the same to the joint Turnpike Company [committee] to fill the blanks—which being read it was thereupon Resolved to concur with the house in said reference.

The bill entitled an act authorizing Nathaniel Blood to deed land was received with an order of the house to refer the same to the joint committee on the petition of Dudley Chase & others, which being read it was Resolved to concur with the House in said reference.

The petition of Joseph Bostwick with an order of the house referring the same to the joint Committee of Claims, which being read it was Resolved to concur with the House in said reference.

Received from the House a Resolution appointing a Committee of four members of the house to join from Council to take into consideration the propriety of amending the act entitled an act ascertaining the principles on which the list of this State shall be made &c. which being read it was Resolved to concur with the House in said reference & Mr. Hunter was appointed to join.

The Governor & Council met the house in joint committee for the purpose of electing County Officers & after progress they returned to their Chamber & adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

The following engrossed bills were received from the house sent up for revision, concurrence &c. Viz. "An act directing the Treasurer to pay Jeremiah Lee the sum therein mentioned; An act directing the Treasurer to credit Ansel Merritt 1st Constable of Georgia the sum therein mentioned;"—which being read it was Resolved to concur with the house in passing the same into laws.

The Governor & Council proceeded to the Representatives' room to meet the house in joint Committee for the purpose of completing County appointments & the joint Committee again adjourned to Saturday next at 10 O'C. A. M. The Governor & Council returned to their Chamber & adjourned to 9 O'C. A. M. tomorrow.

THURSDAY October 26th, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Rec[d] from the house a resolution appointing a time for both houses to meet in joint Committee for the purpose of electing a trustee in the board of trust of the University of Vermont & brigadier Generals to fill vacancies, which was read & it was Resolved to concur with the house in passing the same with the following proposal of amendment, viz. by erasing the words *tomorrow morning* & inserting "*on friday morning next.*" Mr. Doolittle appointed to assign the reasons to the house.

Received from the house a resolution appointing this day at 10 O'clock a time for both houses to meet in joint committee for the purpose of electing an auditor of accounts against this State for the year ensuing—which being read, Resolved to concur with the House in passing the same.[1]

Received from the house a communication from the Hon[l] Judge Farrand on the subject of the trial of Samuel E. Godfrey, with an order of the house referring the same to the joint committee on the petition of said Godfrey, which being read it was Resolved to concur with the House in said reference.

Received from the House the following engrossed bills sent up from the house for revision, concurrence or proposals of amendment, Viz.—"An act directing the treasurer to pay to David Hazeltine [Haseltine] the sum therein mentioned ; An act for the relief of William Hill & Nathaniel Lawrence assignees of John Roe & J. F. Roe ; An act for the relief of Ovid Burrell ; An act authorizing the administrator to the estate of Dudley Chase late of Cornish deceased to sell & convey certain lands of said Deceased ; An act directing the Treasurer to pay Jedediah Hammond the sum therein mentioned ;" which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Received the petition of C. Lynds [Cornelius Lynde] & the bill entitled an act directing the Treasurer to pay John Johnson the sum therein mentioned—with an order of the house to refer the same to the joint committee on the petition of Martin & Newman, which being read it was Resolved to concur with the house in said reference.

The petition of Joseph Bostwick was received with an order of the house to recommit the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in said reference.

The second report of the Visitors of the State's prison with an order of the house referring the same to the joint committee on the first report of said Visitors, was rece[d] & read whereupon it was Resolved to concur with the house in said reference.

The Petition of the Inhabitants of Brookline was received with an order of the house referring the same to the joint committee on the petition of A. Hoisington, which was read & it was thereupon Resolved to concur with the house in said reference.

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[1] Alexander Hutchinson was elected.

The petition of Thomas Thomas was received with an order of the house referring the same to the joint Committee of Manufactures, which being read it was Resolved to concur with the House in said reference.

Received the bill entitled "an act granting a new Trial to Alexander Campbell in a case therein mentioned" with an order of the house referring the same to the joint committee of New Trials to report facts—which being read it was Resolved to concur with the house in said referrence.

Gov. Brigham moved to rescind the vote of Council dismissing the petition of Elisha Moore & [it was] decided in the negative.

Received the engrossed bill entitled "an act freeing the body of Anthony Jones from arrest & imprisonment for the term of five years," sent up for concurrence &c. which was read & it was Resolved to concur with the house in passing the same into a law with the following proposal of amendment, Viz. after the words "*five years*" in the 4th line from the bottom of 1st Section of the bill insert "*for any debt heretofore contracted.*" Mr. Doolittle was appointed to assign the reasons.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY October 27, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Mr Cotton appeared in Council Chamber from the house & informed the Gov. & Council that the House had concurred in the resolution as amended by Council appointing a time for both houses to meet to elect Brigadier Generals, &c. & he withdrew.

The petition of Nathan Geere was received from the House with an order thereon referring the same to a joint committee of four members of the house to join. Concurred & Mr Wright appointed.

The bill entitled an act freeing the body of Jonas Philips from arrest was received from the house with an order thereon referring the same to the joint Committee of Suspensions, which being read Resolved to concur with the house in said reference.

The bill entitled an act incorporating a manufacturing company in St. Albans was received with an order of the house thereon referring the same to the joint Committee of Manufactures, which being read it was thereupon Resolved to concur with the house in said reference.

The bill entitled an act granting a ferry to Ambrose Holden was received with an order of the house referring the same to the joint committee on the petition of Ambrose Holden, which being read it was Resolved to concur with the house in said reference.

Received the engrossed bill entitled "an act constituting a company of riflemen in Middlebury," sent up for concurrence &c. which was read & Resolved to concur with the house in passing the same into a Law.

Pursuant to the concurrent resolution of both houses the Gov. & Council met the house of representatives in joint committee for the purpose of electing a Trustee of University of Vermont & Brigadier Generals & after progress in the same the joint Committee adjourned to 10 O. C. A. M. tomorrow & the Gov. & Council returned to their Chamber & adjourned to 2 O'C. P. M.[1]

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[1]Aaron Barney, John Peck, John Wires, and Perry G. Ladd were elected Brigadier Generals. The election of trustee of the University of Vermont was postponed to Oct. 28, when Elder Henry Green was elected.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Received from the House a resolution directing the Military Committee to enquire into the expediency of authorizing the quartermaster General to purchase for the use of this State a piece of ordnance now owned by the Artillery Company attached to the 1st Brigade & 3d Division of the militia of this State ; which was read & Resolved to concur with the house in passing said resolution.

Received notice from the house that they had appointed a committee of 4 members to join from Council to be denominated the judiciary Committee—which being considered, Resolved to join said Committee & Mr. Wright was appointed to join from Council.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY October 28, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr. Stanley was appointed on the committee on the petition of Jonathan Powers.

On motion of Mr. Doolittle, the vote of Council appointing a committee of Ways & Means to join be [was] rescinded.[1]

Received the engrossed bill entitled "an act directing the Treasurer to pay John McClure the sum therein mentioned," [which] was read & it was Resolved to concur with the House in passing the same into a Law.

Mr. Keyes excused for the remainder of the Session.

Received the bill entitled an act making a loan to Middlebury College, with an order of the house referring the same to a committee of Six members to join from Council—which being read Resolved to concur with the house in said reference & Gov. Brigham & Messrs. Richards & Bliss appointed.

Petition of President & Fellows of Middlebury College was received with an order of the House referring the same to the joint Committee on the bill last above mentioned—which being read it was Resolved to concur with the house in said reference.

The petition of John Willard was received with an order of the House to refer the same to a Committee of two members to join from Council —which being read it was thereupon Resolved to concur with the house in said reference & Mr. Cahoon was appointed.

The petition of Major Camp was received with an order of the house referring the same to the joint committee of New Trials—which being read it was Resolved to concur with the house in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The engrossed bill entitled "an act freeing the body of Josiah Marsh from arrest & imprisonment" was received for concurrence, revision &c. & on the question Shall the bill pass & become a law? the yeas & nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Smith, Hunter, Doolittle, & Cahoon—*Nays*, Messrs. Wright, Richards, Tarbox, Butler, & Bliss; the Council being equally divided Governor Galusha gave the casting vote in the affirmative, so the bill passed to become a law.

Mr. Cahoon was appointed on the Military Committee.

The petition of John Merriam was received with an order of the house referring the same to the joint committee on the petition of John Wil-

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[1] No such vote has appeared on the journal.

lard—which being read it was Resolved to concur with the house in said reference.

Received from the house a resolution directing the 1st land tax Committee to take into consideration the expediency of reviving an act granting a land tax on the town of Greensboro', passed 1814, which was read & Resolved to concur with the house in passing said resolution.

Mr. Doolittle appointed to join on the petition of Peter Merritt.

Mr. Bliss appointed on the committee on the bill entitled an act appointing a committee to lay out a road from St. Johnsbury to Barton.

The petition of Joel Linsley & others was received with an order of the House referring the same to the joint committee on the petition of Dudley Chase & others, which was read & it was Resolved to concur with the House in passing [referring] the same.

Received the bill entitled an act to repeal an act therein mentioned, with an order of the house thereon referring the same to the joint Military Committee, which being read it was Resolved to concur with the house in said reference.

The report of Amos W. Barnum late quarter master General was received with an order of the House referring the same to the joint Military Committee; which being read it was Resolved to concur with the house in said reference.

Adjourned to 9 O'C. A. M. Monday next.

Monday October 30, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Received the bill entitled an act incorporating the Benson Turnpike Company with an order of the house thereon referring it to the joint turnpike Committee, which being read it was Resolved to concur with the house in said reference.

Received from the House the resolution instructing the Judiciary Committee to enquire into the expediency of encreasing the salary of the Judges of the Supreme Court, which being read, Resolved to concur with the House in passing said resolution.

Received from the house a resolution appointing thursday next at 2 O'C. P. M. a time for both houses to meet in joint committee to elect a Surveyor General & some person to preach the next election sermon, which being read it was thereupon Resolved to concur with the House in passing the same.

Received the engrossed bill entitled "an act establishing the toll of one horse wagons at turnpike gates," which was read & it was Resolved to concur with the house in passing the same with the following proposal amendment, Viz. by erasing the words "where the toll hath already been established." Mr Richards appointed to assign the reasons to the house.

Received from the House the following engrossed bills sent up for concurrence &c. Viz. "An act altering the name of Lutterloh to that of Albany; An act directing the Treasurer to credit the 1st Constable of Williamstown the sum therein mentioned; An act directing the Treasnrer to credit the 1st Constable of Belvidere the sum therein mentioned; An act directing the Treasurer to credit the 1st Constable of Royalton the sum therein mentioned;" & "An act directing the Treasurer to pay Joseph H. Munson the Sheriff of Franklin [County] the sum therein mentioned," which being severally read it was Resolved to concur with the House in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Received from the house a resolution instructing the joint Turnpike Committee to enquire into the expediency of giving further time to the Vergennes Turnpike Company to complete their road—which being read it was Resolved to concur with the House in passing the same.

A resolution was received appointing a committee of two members of the house to join from Council to devise means of empowering the Governor & Council to elect anually a Surveyor of public buildings, & which being read it was Resolved to concur with the house in passing said resolution.

His Excellency the Governor directed the following communication to be sent to the Speaker of the House of Representatives:

To the Hon. William A. Griswold Speaker of the House of Representatives. Sir,—I would inform the General Assembly that William C. Bradley Esqr has resigned his seat in the Board of Trustees in the University of Vermont.

Also that Joel Pratt Esqr. who had been appointed a Judge of Probate for the District of Manchester, has resigned that office; the General Assembly will please to take proper measures to fill the vacancies thus occasioned.

I have received information that there is now in the City of Albany several boxes containing the laws of the United States for two or three years past; the General Assembly are requested to provide for the transportation of the same into the State for distribution. I have not been informed of the number of the copies. I transmit the letter of Mr. Campbell containing all the information I have received respecting the above mentioned laws. Yours &c. JONAS GALUSHA.

Montpelier Oct. 30, 1815.

Received the following engrossed bills sent up for revision, concurrence &c. Viz. "An act authorizing Samuel Griffin to deed certain lands; An act directing the Treasurer to pay Marshall Keith the sum therein mentioned;" which being read it was Resolved to concur with the house in passing the same into Laws.

Adjourned to 9 O'C. A. M. tomorrow.

TUESDAY October 31, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The following resolutions were sent up from the house for concurrence—One instructing the judiciary Committee to enquire into the expediency of amending the law so that all the judges of the Supreme court shall attend the fact term thereof—One directing the Judiciary committee to enquire into the expediency of requiring all Justices of the peace to cause a certificate of their being sworn to be returned & recorded in the [County] Clerk's office &c.—One instructing the Judiciary Committee to enquire into the propriety of altering the laws relating to [gaols and] gaolers & for the relief of persons imprisoned therein; which were severally read & it was Resolved to concur with the house in passing the same.

The petition of Amos W. Barnum was received with order of the house referring the same to a Committee of 4 members of the House to join from Council—which being read it was Resolved to concur with the House in said reference & Mr Wright was appointed to join.

Received the bill entitled an act relating to Windham County [Turnpike] with an order of the house to refer the same to the joint turnpike Committee, which being read Resolved to concur with the house in said reference.

Received the bill entitled an act directing the treasurer to pay Joseph Howes the sum therein mentioned with an order of the house to refer the same to the joint Committee on the petition of Harvey Gilman, which being read it was Resolved to concur with the house in said reference.

The report of James D. Butler & W. Page respecting the demands in favor of the [State] Bank against John Merriam was received with an order of the house referring the same to the joint Committee on the petition of John Willard, which being read it was thereupon Resolved to concur with the house in said reference.

The Bill entitled an act freeing the body & property of Samuel Payne from arrest & attachment was received with an order of the house referring the same to the joint Committee of Suspensions, which being read it was thereupon Resolved to concur with the house in said reference.

Received the remonstrance of the town of Windsor with an order of the house referring the same to the joint committee on the petition of Abishai Hoisington, which being read it was Resolved to concur with the house in said reference.

The engrossed bill entitled "an act granting a new trial to Alexander Campbell" was received, sent up for revision & Concurrence &c. which being read it was Resolved to Concur with the house in passing the same into a Law.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The Gov. & Council were informed that the House had concurred in the proposal of amendment to the engrossed bill entitled "an act establishing toll of one horse wagons at Turnpike gates."

Received the engrossed bill entitled "an act laying a tax of two cents five mills per acre on St. Albans," sent up for revision & Concurrence &c. which being read Resolved to concur with the house in passing the same into a Law.

Adjourned to 9 O'C. A. M. tomorrow.

WEDNESDAY, November 1st 1815. 9 O'C A. M.

Governor & Council met pursuant to adjournment.

Received from the house the following resolutions Viz. One directing the joint Committee on the petition of Martin & Newman to enquire into the expediency of directing the treasurer to pay Peter Gale Junr. extra wages &c.—the other to the same effect in behalf of Jedediah Johnson, which being read it was Resolved to concur with the house in passing said resolutions.

Received a Resolution directing the joint Committee of Claims further to examine the account of Joseph H. Munson—which being read it was Resolved to concur with the house in said resolution.

Received the account of Frye Bailey & of the Surveyor of the public Buildings with an order of the House referring the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in said reference.

Received the engrossed bill entitled an act granting relief to Patty Hugh, sent up for concurrence &c. which being read it was Resolved to concur with the house in passing the same into a Law, with the following proposal of amend'ent, by erasing the words "*five hundred*" & inserting "*one thousand*," & Mr. Butler appointed to assign the reasons to the House.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Received the bill entitled "an act to repeal an act laying out a road from Middlebury to Montpelier," with an order of the House to refer the same to the joint committee on the petition of the Inhabitants of Salisbury—which being read it was Resolved to concur with the house in said reference.

The Petition of Robert Lovell was received with an order of the house referring the same to the joint Committee on the bill for the relief of Jerusha Lyman, which was read & Resolved to concur with the house in said reference.

The petition of Nicholas Duclos was received with an order of the house on the same referring the same to the joint Committee on the petition of Benaiah Woodward, which being read it was Resolved to concur with the house in said reference.

Received the engrossed bill entitled "an act in addition to an act establishing a corporation by the name of the Burlington Turnpike Corporation," which being read it was Resolved to concur with the house in passing the same into a law.

Adjourned to 2 [9] O'C. A. M. tomorrow.

THURSDAY November 2d, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

On motion of Mr. Chittenden Resolved, the General Assembly concurring herein, that both houses meet in the representatives' room at 2 O'C. P. M. of this [day] for the purpose of electing a member of the board of trust of the University of Vermont in the room of William C. Bradley Esqr who had resigned his seat.

Mr. McFarland of the house appeared in Council Chamber & informed the Governor & Council that the Genl Assembly had concurred in the above resolution.

Received from the house a resolution appointing a Committee of two members of the house to join from Council to enquire into the expediency of altering the time of holding Franklin County Court, which was read [and it was] Resolved to concur with the house in said reference; & Mr. Bliss was appointed to join.

Received the bill entitled an act in addition to an act establishing a Turnpike corporation by the name of the Missisquoi Turnpike Company, with an order of the house referring the same to the joint Turnpike Committee to fill the blanks—which being read Resolved to concur in said reference.

Mr Clark of the House appeared in Council Chamber & informed the Governor & Council that the House had concurred in the proposal of amendment to the bill for the relief of Patty Hugh.

Received the following engrossed bills sent up from the House for concurrence &c. Viz. "An act directing the Treasurer to pay Thomas Hooker the sum therein mentioned; An act directing the Treasurer to pay Estus Barker the sum therein mentioned; An act [in addition to an act] for the relief of the widow & children of Major Jesse Lyman deceased;" which were severally read & Resolved to concur with the house in passing the same into Laws.

On motion of Gov. Brigham the vote of Council to dismiss the petition of Benjamin Hinman, a convict of State's prison, was rescinded & on the question Shall the prayer of said petition be granted, the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Wright, Richards, Smith, Tarbox, Chittenden, Butler, Cahoon, Bliss,

Stanley.—*Nays*, Messrs Hunter & Doolittle — so the prayer of said petition was granted.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Received a resolution appointing a time for both houses to meet in Representatives' room to hear the evidence & arguments of Council on petition of Samuel E. Godfrey ; which being read it was Resolved to concur with the house in passing said resolution.

Pursuant to concurrent resolution of both houses the Governor & Council met the General Assembly in the representatives' room for the purpose of electing a member of the board of trustees of University of Vermont, a Surveyor General, & a person to preach the next election Sermon — which in part was completed and the joint Committee adjourned to Monday next 2 O'C. P. M. [and the Governor and Council returned to their chamber.][1]

Received from the General Assembly the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act laying a tax of two cents per acre on the town of Montgomery ; An act laying a tax on the County of Windham & for repealing an act therein mentioned ; An act laying a tax of three cents per acre on the town of Brownington; An act laying a tax of two cents per acre on the town of Albany late called Lutterloh;" which were read & Resolved to concur with the House in passing the same into Laws.

Adjourned to 9 O'C. A. M. tomorrow.

Friday November 3d, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Received information that the General Assembly had concurred with the Gov. & Council in certain proposals of Amendment to the bills entitled "an act for the relief of Patty Hugh," & to "an act freeing the body of Anthony Jones from arrest" &c.

Received the bill entitled an act for a Turnpike in Winhall with an order of the house referring the same to the joint Military [Turnpike] Committee—concurred.

The petition of Ida Barron was received with an order of the House referring the same to the Joint committee on the petition of Jerusha Lyman, which being read it was Resolved to concur with the house in said reference.

Received the bill entitled an act directing the Treasurer to pay Arad Merrill the sum therein mentioned with an order of the house to refer the same to the joint Committee of Claims—which being read it was Resolved to concur with the house in said reference.

Received the bill entitled an act to provide the Washington Artillery Company with a piece of ordnance, with an order of the house to refer the same to the joint Military Committee—which being read it was thereupon Resolved to concur with the house in said reference.

Received the petition of Rebecca Dennett referred [to a] committee of 4 members of the House to join, which was read & it was resolved to join said committee & Mr. Richards was appointed.

Received the engrossed bill entitled "an act for the regulation of Manufacturing & Turnpike Corporations," sent up for revision & Concurrence &c. which being read it was resolved to Concur with the house in passing the same with certain proposals of amendment.

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[1] Rev. John Fitch was elected trustee of the University of Vermont, and John Johnson Surveyor General.

Received the engrossed bill entitled an act in addition to an act establishing a corporation by the name of the Windham Turnpike Company, which was read & Resolved to concur with the House in passing the same into a Law, with a proposal of amendment by inserting next after the word "*Wilmington*" [the word] "*Readsboro.*"

Received from the House the following engrossed bills, sent up for revision & Concurrence &c. Viz.—"An act incorporating certain persons therein named ; an act in addition to an act renewing & continuing in force an act therein mentioned; An act for the relief of Simeon Hathaway; An act authorizing the Town clerk of Albany late called Lutterloh to transcribe certain records ; An act for the relief of Josiah Lawrence ; An act for the relief of Holden Farnsworth; An act discharging the town of Morgan from a certain sum therein mentioned ; An act laying a tax of three cents per acre on the town of Sheffield ; An act directing the Treasurer to credit Anthony Barker the sum therein mentioned, 1st Constable of Goshen ; An act making valid the proprietors' records in the towns of Fairhaven & West haven," which were severally read & it was thereupon Resolved to concur with the house in passing the same into Laws.

Received the engrossed bill entitled "an act laying a tax of two cents per acre on the town of Jay," which being read it was Resolved to concur with the house in passing the same into a Law with the following proposal of amendment, Viz. [by adding] "Provided nevertheless, that one third part of said tax shall be expended on the road leading through that part of said town which was originally granted to Thomas Chittenden late Governor of Vermont." Mr. Chittenden appointed to assign the reasons to the House.

Adj^{d} to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Received the engrossed bill entitled "an act providing for the alteration of the Stage road through the town of Salisbury in the County of Addison," sent up for revision & Concurrence &c.—which being read it was Resolved to concur with the house in passing the same into a Law with the following proposal of amendment, Viz. [add the words] "And the charges & expences of said Committee in attending to the business of said appointment to be paid by those who may make application to said Committee."

Received a resolution directing the 1st land tax committee to enquire into the propriety of reviving a tax on the town of Coventry passed October Session 1814—which being read it was Resolved to concur with the house in said Resolution.

Received the engrossed bill entitled "an act ratifying the acceptance of the Winooskie Turnpike road & for other purposes," sent up for concurrence &c., which being read it was Resolved to concur with the house in passing the same into a law with the following proposal of amendment—Viz. erase the words "*twelve & one half Cents*" in the Second Section & insert "*ten cents.*" Mr. Tarbox appointed to assign the reasons to the House.

Adjourned to 9 O'clock A. M. tomorrow.

SATURDAY November 4, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Received the bill entitled "an act [authorizing] Elijah Hammond administrator of Oramel Hinkley to deed certain lands," with an order of the House to refer the same to the joint Committee on the petition of

Dudley Chase—which being read it was Resolved to concur with the House in said reference.

Received from the House a resolution appointing Monday next at 2 O'C. P. M. a time for both houses to meet in joint Committee to elect Directors of Vermont State Bank. Concurred.

Received information that the General Assembly have concurred in the proposal of amendment made by the Governor & Council to the bill entitled "an act regulating Manufacturing & Turnpike Companies."

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Received from the General Assembly a resolution, which was sent up for concurrence of Council, requesting the Governor to take measures to procure a pardon of the Governor of Canada for Samuel Hugh, who had been convicted of manslaughter by the Court of King's bench in that Province—which was read & Resolved to concur with the house in said resolution.

Adjourned to 9 O'C. A. M. tomorrow [Monday next.]

MONDAY November 6, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Information was received from the House that the General Assembly had concurred in the proposals of amendment to the bills entitled "an act in addition to an act establishing a corporation by the name of the Windham Turnpike Company;" & "an act providing for the alteration of the Stage road through the town of Salisbury in the County of Addison;" And "an act laying a tax of two cents per acre on the town of Jay."

Received the engrossed bill entitled "an act for the relief of Carver Bates;" which being read it was Resolved to concur with the House in passing the same into a Law with the following proposal of amendment, Viz. In Sec. 1, line 8th, after the words "*this act*" insert "*for any debt heretofore contracted.*"

The petition of Micajah Ingham was received with an order of the house referring the same to a committee of 4 members of the house to join from Council, which being read it was Resolved to concur with the house in said reference & Mr Smith was appointed to join.

The following engrossed bills were received, sent up for revision & Concurrence &c.— Viz.— "An act laying a tax of three cents per acre on the town of Troy; An act authorizing Nathaniel Blood to deed lands; An act reviving an act laying a tax of three cents per acre on the town of Peacham; An act altering the name of William Alpha Wells to William Wellington Wells; An act authorizing the Treasurer of this State to pay Benjamin Ropes the sum therein mentioned; An act directing the Treasurer to pay Joseph H. Munson the Sum therein mentioned; An act authorizing the town Clerk of Strafford in the County of Orange to transcribe a part of the records &c.; An act laying a tax of two cents per acre on the town of Kingston [Granville;] An act directing the Treasurer to pay to certain persons therein named the sum therein mentioned;" which said acts were severally read & it was Resolved to concur with the House in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M. — Governor & Council met pursuant to adjournment.

Received the engrossed bill entitled "an act granting a reprieve to Samuel E. Godfrey," & on the question of amendment to erase the word

"*November*" & insert "*February*," the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Richards, Hunter, Doolittle, Tarbox, Chittenden, Butler, Bliss & Stanley.—*Nays*, Messrs. Wright, Smith & Cahoon — so the bill was amended & then passed with the amendment to become a law. Mr Butler appointed to assign the reasons to the House.

Adjourned to 9 O'C. A. M. tomorrow.

TUESDAY November 7, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Mr Keyes returned & took his seat.

The Gov. & Council were notifyed that the General Assembly had concurred in their proposed amendment to the engrossed bill entitled an act granting a reprieve to Samuel E. Godfrey.

Received the engrossed bill entitled "an act in addition to the several acts establishing a corporation by the name of the Stratton Turnpike Company;" which being read Resolved to concur with the house in passing the same into a Law with the following proposal of amendment, viz. in the 8 & 9th lines of Sec. 5th erase the words "*west of the east Church in said Arlington*" & insert in lieu thereof "on or west of the County road leading from Bennington to Manchester." Mr. Wright [appointed] to assign the reasons to the House.

Received the proposals of amendment to the Constitution of the United States made by several States [Massachusetts.] with a resolution of the General assembly thereon refusing to concur in said proposed amendments—which was read & it was Resolved to concur with the house in their resolutions.

Received from the House the following engrossed bills sent up for revision & Concurrence &c. viz. "An act appropriating the Grammar School lands in the County of Franklin; An act in addition to an act entitled an act for the relief of the widow & children of Major Jesse Lyman;[1] An act incorporating certain persons therein named by the name of the Vergennes Iron Manufacturing Company; An act directing the Treasurer to pay the several sums therein mentioned; An act for the relief of Eleazer Flagg & Rufus Parker administrators of the estate of Jonathan Parker; An act reviving and in alteration of an act laying a tax of three cents pr acre on the town of Greensboro'; An act appointing a committee to lay out a road from St. Albans to Barton; An act directing the Treasurer to pay George Worthington the sum therein mentioned." Concurred.

The Governor & Council elected by ballot George Worthington Esqr of Montpelier Surveyor of Public buildings for the Year ensuing.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Received the engrossed bill entitled "an act for the relief of John Merriam," which was amended & passed.

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[1] Maj. JESSE LYMAN, of Vergennes, was a distinguished and useful officer of the Vermont volunteers at the battle of Plattsburgh, who died of disease contracted in the service, leaving destitute his widow and a large family of young children: wherefore the State granted an annuity, for their relief, of two hundred dollars annually for five years.—See printed *Laws* of 1815, pp. 24, 59.

Received the petition of Harvey Gilman with an order of recommitment to the committee first appointed—whereupon Resolved to concur with the house in said order of recommitment.

Adjourned to 9 O'C. A. M. tomorrow.

WEDNESDAY November 8, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Received the engrossed bill entitled "an act establishing a corporation by the name of the West river Turnpike Company" sent up for revision & Concurrence &c. which being read it was Resolved to concur with the house in passing the same into a Law with the following proposal of amendment—Viz.—in 7th Sec. 3d line erase the word "*two*" & insert "*three*," & in 4th line of 7th [Sec.] erase the word "*four*" and insert "*six;*" & Mr. Keyes appointed to assign the reason.

The Gov. & Council were notifyed that the General Assembly had concurred in their proposals of amendment to the bills—"an act for the relief of Carver Bates"—& an "act ratifying the acceptance of the Winooskie Turnpike."

Received notice from the House that they have rescinded their vote of recommitment on the petition of Harvey Gilman—whereupon the Governor & Council Rescinded their vote of concurrence in the same.

Received from the house a resolution declaring it expedient to provide for raising —— dollars by Lottery for the benefit of Middlebury College—with an order of the House referring the same to the joint committee on the bill granting a loan to Middlebury College, which being read it was Resolved to concur with the house in said Reference.

Received a resolution instructing the Judiciary committee to take into consideration the expediency of passing a Law authorizing commissioners appointed by Judges of Probate on insolvent estates [to administer oaths] &c. which being read Resolved to concur with the house in passing said resolution.

The following engrossed bills were received sent up for revision & Concurrence &c.—"An act incorporating the Benson Turnpike Company; An act granting a ferry to Ambrose Holden; An act directing the Treasurer to pay Robert Lovell the sum therein mentioned;[1] An act freeing the body & property of Samuel Payne from arrest & attachment; An act directing the Treasurer to pay Joseph Munson the sum therein mentioned; An act granting to Ira Fox the exclusive right of keeping a ferry from Milton to South Hero; An act to unite the towns of Windsor & West Windsor into one town; An act in addition to an act incorporating certain persons therein named;" which were severally read & Resolved to concur with the House in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—the Governor & Council met pursuant to adjournment.

Recd. the engrossed bill entitled "an act incorporating the St. Albans Manufacturing Company" sent up for revision & concurrence &c. which being read it was Resolved to concur with the House in passing the same into a Law with the following proposal of amendment Viz.—add "Section 8. *And it is hereby further enacted* that the private property of the Stockholders both real and personal shall be holden for the payment of the debts of said corporation." Mr. Butler appd. to assign the reasons.

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[1] One hundred dollars on account of being dangerously wounded at the battle of Plattsburgh.

Rec^{d} the bill entitled "an act directing the Treasurer to pay the sum therein mentioned," with an order of the house to refer the same to the joint Committee of Claims—which being read it was Resolved to concur with the house in said reference.

Mr Wright on motion & leave introduced a bill entitled "an act in addition to an act directing the mode of election of Governor, Lt. Governor &c." which was referred to Messrs. Wright & Butler.

Received from the House the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act suspending civil process against the person & property of Amos W. Dix ; An act for the relief of Jonas Philips ; An act exempting the body of Daniel Stanniford from arrest & imprisonment ; An act discharging Nathan S. Russell from imprisonment &c.; An act laying a tax of three cents per acre on the town of Moretown ; An act laying a tax for the support of Government ; An act laying a tax of two cents per acre on the township of Warren ;" & "An act for the relief of James Johnson"—which were severally read & it was Resolved to concur with the house in passing the same into Laws.

Adjourned to 9 O'C. A. M. tomorrow.

Thursday Nov. 9, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The bill directing the mode of election was called up & on motion referred to a Committee of Council to join such Committee as the Gen^{l} Assembly may appoint—Members of Council appointed Messrs. Wright & Keyes.

Received a resolution of the house appointing this day at the opening of the house a time for both houses to meet in joint committee to elect Visitors of the State's Prison.—Concurred.

"An act directing the Treasurer to pay Betsy Flanders the sum therein mentioned" was received with an order of the house to refer the same to the Joint committee on the petition of Jerusha Lyman, which was read & concurred to refer.

Mr Wright excused the remainder of the Session.

Mr Doolittle appointed on the Judiciary Committee in the place of Mr Wright excused.

Received the following engrossed bills, sent up from the house for revision & Concurrence &c. Viz. "An act authorizing the Treasurer to pay the sum therein mentioned ; An act empowering the Judge of Probate for the District of Hartford to license Surviah Anderson to deed lands &c.; An act establishing a corporation by the name of Burke Turnpike Company ; An act establishing a corporation by the name of Marshfield Turnpike Company; An act in addition to the act appointing a collector for the town of Pittsford ; An act laying a tax of four cents pr. acre on Maidstone ; An act making appropriations for the support of Government for the year ensuing ;" which being read it was Resolved to concur with the house in passing the same into Laws.

The vote of concurrence on the last mentioned Law rescinded.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Received the engrossed bill entitled "granting the exclusive right of navigating by Steam boats the waters of Lake Champlain," which was [read] & Resolved to concur with proposals of amendment.

Received the engrossed bill entitled "an act laying a tax on the County of Caledonia," sent up for concurrence, whereupon Resolved to concur with the house in passing the same into a Law.

Received the engrossed bill entitled "an act incorporating certain persons by the name of the White River Bridge Company," which was read & it was Resolved to concur with the house in passing the same with the following proposals of amendment, Viz.—in 11 line of 3 Sec. erase "*for each passenger three cents;*" at the end thereof Add, "*Provided* that all people going to or from Public worship on the Sabbath or Lord's Day & all persons going to or from Military duty shall be exempt from paying toll at said Gate."—Also in 5th line of 9 Sec. erase the words "*three years*" & insert "*one year.*" Mr Butler appointed to assign the reasons to the House.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY Nov. 10, 1815. 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Received the engrossed bill entitled "an act authorizing the Selectmen of Clarendon to discontinue a certain road therein mentioned," which being read it was Resolved to concur with the house in passing the same with certain proposals of amendment. Mr Wright appointed to assign the reasons to the House.

Received the following engrossed bills, sent up from the House for revision & Concurrence &c. Viz.—"An act to repeal an act therein mentioned; An act appointing a committee to lay out a road from Lyndon corner &c.; An act for the benefit of the overseers of Hubbarton; An act annexing a part of Avery's gore to Athens; An act directing the Treasurer of this State to pay Frye Bailey the sum therein mentioned;[1] An act directing the Treasurer to pay Richard Jenness & Samuel Twambly the sum therein mentioned; An act altering the name of Harvey Carpenter to Harvey Warren Carpenter; An act in addition to an act establishing a corporation by the name of the Missisquoi Turnpike Company; An act laying a tax of two cents pr. acre on the town of Craftsbury;" which were severally read & it was Resolved to concur with the house in passing the same into Laws.

Mr. Wright returned & took his seat in Council.

Mr. Smith had leave of absence after tomorrow.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Mr. Doolittle had leave of absence after tomorrow.

Received the bill entitled "an act authorizing the administratrix on the estate of Ezekiel Wood to deed lands," with an order of the house to refer the same to the joint committee on the petition of Dudley Chase & others.—Concurred & Council adj[d] to 9 O'C. A. M. tomorrow.

SATURDAY Nov. 11, 1815. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Received the engrossed bill entitled "an act establishing a corporation by the name of the Danville Turnpike Company," which was read & Resolved to concur with the house in passing the same with the following proposal of amendment, Viz.—in Sec. 2[d] line 10th erase "*six cents*" & insert "4 *cents.*" Mr. Cahoon appointed to assign the reasons.

Received the engrossed bill entitled "an act laying a tax of three cents pr. acre on the town of Navy;" which was read & it was Resolved to

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[1] Thirty dollars extra for the support of Joe Shusuph, the Indian commonly known as "Joe" the husband of "Molly."—See Vol. IV, p. 311; and Vol. V, p. 262.

concur with the house in passing the same into a law with the following proposal of amendment, Viz. erase the name of "*Ira Richards*" & insert "*Samuel Hutchinson.*" Mr. Cahoon app^{d} to assign the reasons of said amendment to the house.

The Governor & Council were informed that the General Assembly had concurred in the proposals of amendment made by the Gov. & C. to the following bills, Viz. "An act in addition to an act for the relief of John Merriam; An act incorporating the St. Albans Manufacturing Company; An act in addition to an act constituting a corporation by the name of the Stratton Turnpike Company; An [act] incorporating certain persons therein named by the name of the White River Bridge Company;" & "An act authorizing the selectmen of Clarendon to discontinue a certain road therein mentioned."

Received the bill entitled "an act in addition to an act incorporating certain persons therein named by the name of the Montpelier Manufacturing Company," with an order of the house referring the same to the joint Manufacturing Committee. Concurred.

Received from the General Assembly the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act laying a tax of 4 cents per acre on the township of Derby; An act incorporating the Westminster Manufacturing Company; An act authorizing the laying out & surveying a market road from Moses Bartholomew's dwelling house &c. [in Vershire, to Fairlee or Thetford;] An act for the relief of Nicholas Duclos; An act authorizing [Jonathan] Howland to deed land: An act directing the Treasurer to pay Samuel Prentiss Jr. the sum therein mentioned; An act altering the terms of holding Franklin County Court; An act authorizing E. Hammond adm$^{r.}$ on the estate of Oramel Hinkley late deceased &c.; An act authorizing the Guardian of the minor heirs of Nathan Stowell deceased to sell lands; An act giving validity to the transcribed records of the proprietors of the town of Vershire in Orange County; An act for the relief of the Inhabitants of Holland; An act directing the Treasurer to pay William Russell the sum therein mentioned; An act altering the time of holding Chittenden County Court; An act in addition to an act for laying out a road from Middlebury to Montpelier; An act to revive & continue in force an act, as it respects the Town of Ira, assessing a tax of one cent on each acre of land in this State; An act reviving an act laying a tax of three cents per acre on Coventry &c.; An act laying a tax of three cents per acre on Westmore; An act laying a tax on Waitsfield; An act repealing two several acts relating to advertisements; An act laying a tax of three cents per acre on Peru; An act establishing a corporation by the name of the Winhall Turnpike Company; An act in addition to the act incorporating certain Turnpike Companies in the western Counties of this State; An act to alter the name of Mary [Miranda] Eldrige to Mary M. Chase," which were severally read & Resolved to concur with the House in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor and Council met pursuant to adjournment.

Messrs Wright & Richards reported a bill entitled "an act directing the mode of election;" which was read & passed & ordered to be sent to the General Assembly for concurrence.

Received a resolution of the House directing the Secretary of State to procure the laws of the United States now at Albany, & distribute the same; concurred.

Received the engrossed bill entitled "an act establishing a corporation by the name of the Monkton Turnpike Company," which was read

& nonconcurred & the reasons therefor returned with the bill to the General Assembly.

The engrossed bill entitled "an act making appropriations for the present year," which had been ordered to lie, was called up & passed to become a Law.

The engrossed bill entitled "an act in amendment of an act contained in the 21st chapter of Laws passed 1814," was called up, read & passed with proposals of amendment.

Received the following engrossed bills sent up from the General Assembly for concurrence &c. Viz. "An act in addition to the several acts for regulating & governing the militia &c.; An act to pay Samuel Fifield the sum therein mentioned; An act to alter & amend an act laying duties on Licenses to Hawkers & pedlers; An act directing the Treasurer to pay Harvey Gilman the sum therein mentioned; An act authorizing the administrator on the estate of E. Wood to deed certain lands; An act establishing a corporation by the name of the Putney Turnpike Company; An act freeing Major Camp from imprisonment;" which were severally read & it was Resolved to concur with the house in passing the same into Laws.

Received the engrossed bill entitled "an act to prevent the running of Stages on the Sabbath;" which was read & nonconcurred & the reasons of nonconcurrence sent to the house in writing with said Bill.

Resolved that His Excellency be & he is hereby requested to appoint the third Wednesday, being the 17th day of April next, to be observed as a day of fasting & prayer throughout this State & that he issue his proclamation accordingly.

The following Debenture was read & approved.

Names.	Travel.	Amt. Travel.	Days	Amt of Atten'ce.	Amt of Deb.	
Gov. Chamberlain	28	3 36	2	8 —	11 36	
S. Miller	30	3 60	2	3 —	6 60	
D. Dana	75	9 —	2	3 —	12 —	
G. Painter	60	7 20	2	3 —	10 20	
N. Baylies	1	12	2	3 —	3 12	
J. Ellsworth	33	3 96	2	3 —	6 96	
E. Stephens	38	4 56	2	3 —	7 56	
J. W. Chandler	28	3 36	2	3 —	6 36	
Z. Willoby	55	6 60	2	3 —	9 60	
J. Hubbard	40	4 80	2	3 —	7 80	
J. D. Butler	60	7 20	2	3 —	10 20	
Gov. Brigham	46	5 52	33	132 —	137 52	
J. Wright	131	15 72	33	49 50	65 22	
M. Richards	95	11 40	33	49 50	60 90	
P. Smith	74	8 88	26	39 —	47 88	
E. Keyes	42	5 4	30	45 —	50 4	
W. Hunter	64	7 68	33	49 50	57 18	
J. Doolittle	60	7 20	31	46 50	53 70	
J. Tarbox	23	2 72	33	49 50	52 22	
T. Chittenden	30	3 60	33	49 50	53 10	
E. Butler	11	1 32	33	49 50	50 82	
W. Cahoon	44	5 28	29	43 50	48 78	
F. Bliss	55	6 60	33	49 50	56 10	
T. Stanley	32	3 84	29	43 50	47 34	
R. C. Mallary Secy.	70	8 40	32	80 —	88 40	
G. Worthington Shrff	—	— —	33	49 50	49 50	Amt. $1009.96

Received a resolution appointing Monday next at 7 o'clock A. M. a time for both houses to meet in the Representatives' room for the purpose of Adjourning the General Assembly without Day — which being read it was Resolved to concur with the house in passing this resolution.

Mr Rich of the house appeared in Council Chamber & returned the Engrossed bill entitled "an act directing the mode of election," which had been sent down to the house for concurrence, with proposals of amendment made by the house — which being considered, said proposals of amendment were adopted & the bill become a Law.

Adjourned to Monday 7 O'C. A.M.

MONDAY November 13, 1815. 7 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Pursuant to concurrent resolution of both houses, the Governor & Council proceeded to the Representatives' room & there met the house of representatives & after the Reverend Chaplain had addressed the throne of Grace, the General Assembly was adjourned without day.

The foregoing from page 209 to 297 both inclusive [of manuscript *Council Journals*, Vol. 7,] contains a true Journal of the proceedings of the Governor & Council of the State of Vermont at their October Session A. D. eighteen hundred & fifteen.

R. C. MALLARY, *Secretary.*

FORTIETH COUNCIL.

OCTOBER 1816 TO OCTOBER 1817.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors.

ELIAS KEYES, Stockbridge,	JOEL DOOLITTLE, Middlebury,
JOSIAH WRIGHT, Pownal,	TRUMAN CHITTENDEN, Williston,
EZRA BUTLER, Waterbury,	TIMOTHY STANLEY, Greensboro',
FREDERICK BLISS, Georgia,	DANIEL PEASLEE, Washington,
PLINY SMITH, Orwell,	THOMAS HAMMOND, Pittsford,
WILLIAM CAHOON, Lyndon,	THEOPHILUS CRAWFORD, Putney.

ROLLIN C. MALLARY, Castleton, *Secretary.*
CHAPIN KEITH, Barre, *Sheriff.*

BIOGRAPHICAL NOTICES.

DANIEL PEASLEE represented Washington in the General Assembly ten years, first in 1802 and last in 1826; was delegate in the Constitutional Convention of 1814; Sheriff of Orange County 1807 until 1812; and Councillor 1816 until 1819.— Deming's *Catalogue.*

THOMAS HAMMOND, born in Newton, Mass., Feb. 20, 1762, at the age of four years was taken from his parents and bound to a farmer in Leicester, Mass. In 1778 he enlisted in the continental army, served nine months, and became fifth corporal—a position, he used to say, of which he felt prouder than of any he afterward held. In 1782 he came to Shaftsbury, Vt., and in 1783 to Pittsford. The vicissitudes of his early years were unfavorable to the development of a good character, but on his way to Pittsford he resolved to leave his bad deeds behind him, and strive thenceforth for a noble, sanctified manhood. In this he was successful, becoming "emphatically a soldier of the Cross," and

eminently useful in the church and to the public. He represented Pittsford in the General Assembly nine years, 1794 until 1813, and in the Constitutional Convention of 1791; was judge of Rutland County Court seven years, 1812 until 1822 ; councillor 1816 until 1820 ; and during the war of 1812-14 was United States assessor. He died April 4 1847, in his 86th year. The late Hon. THOMAS D. HAMMOND of Orwell was one of his sons.—Caverly's *History of Pittsford*, in which see portrait ; and Deming's *Catalogue.*

THEOPHILUS CRAWFORD, born in Union, Conn., April 25 1764, was brought by his father James to Westminster in 1769. In 1784 he served with the Vermont militia in quelling the disturbances of the Yorkers at Guilford. He was a delegate from Putney in the Constitutional Convention of 1822, and representative in the General Assembly of 1823 ; Sheriff of Windham County in 1819; and Councillor 1816 until 1820. He died in Jan. 1856.—B. H. Hall's *History of Eastern Vermont;* and Deming's *Catalogue.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER, 1816.

STATE OF VERMONT ss.—A Journal of the proceedings of the Governor & Council of the State of Vermont begun & holden at Montpelier in said State on the second Thursday of October (being the 10th day of said month) Anno Domini, one thousand eight hundred & sixteen. Present His Excellency Jonas Galusha Esqr. Governor,—His Honor Paul Brigham Esqr. Lt. Governor; Of the Council The Honorable Elias Keyes, William Hunter, Pliny Smith, William Cahoon, Frederick Bliss, Truman Chittenden, James Tarbox, Josiah Wright, Joel Doolittle, Ezra Butler, Mark Richards, Timothy Stanley, Esquires. Chapin Keith Esq. Sheriff. Rollin C. Mallary, Secretary.

Mr. Clapp of the House appeared in Council Chamber & informed the Governor & Council that the General Assembly had organized & [was] ready to receive any communication that the Governor & Council might please to make.

Ordered that the Secretary inform the General Assembly that the Governor & Council have organized & [is] ready to receive any communications from the House of Representatives.—Which order was performed.

Messrs. Richards, Wright, Keyes, Butler, Smith, Bliss, Cahoon & Chittenden were appointed on the part of Council to join such committee from the house as may be appointed to receive, sort & count the votes for Governor, Lt. Governor, Treasurer, & Councillors for the year ensuing, who were duly sworn to the faithful discharge of their duty.

Mr. Haight from the General Assembly appeared in Council & informed that the House had on their part appointed a committee to join the above mentioned committee appointed by the Gov. & Council. Ordered that the Secretary inform the house that the Gov. & Council had also appointed a like committee on their part.

Adjourned to 4 O'C. P. M.[1]

4 O'C. P. M.—Governor & Council met pursuant to adj[t].

Mr. Luce of the House appeared in Council Chamber & informed that they had met in the Representatives' room & were ready to meet the Governor & Council to hear the report of the joint Canvassing Committee:—Whereupon the Governor & Council proceeded to the Representatives' room & the report of the Canvassing Committee was read as follows:

To the Honorable General Assembly now sitting:—The Committee appointed to receive, sort & count the votes for Governor, Lt. Governor, Treasurer, & Councillors for the year ensuing do report & declare that His Excellency Jonas Galusha Esqr. is elected Governor, His Honor Paul Brigham is Elected Lt. Governor, Benjamin Swan Esqr. Treasurer; And that the Honorable Ezra Butler, Pliny Smith, Joel Doolittle, Josiah Wright, William Cahoon, Timothy Stanley, Truman Chittenden, Daniel Peaslee, Thomas Hammond, Elias Keyes, Frederick Bliss, & Theophilus Crawford are elected Councillors for the year ensuing.

ELIAS KEYES *for Committee.*

October 10, 1816.

Which said officers were declared duly elected.[2]

His Excellency the Governor & Council returned to their Chamber.

His Excellency the Governor was pleased to appoint Rollin C. Mallary Secretary for himself & Council for the year ensuing.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY October 11, 1816. 9 O'C. A. M.

Governor and Council met pursuant to adjournment.

Mr Graves of the house came into Council Chamber & gave information that the General Assembly had organized; had appointed the Hon[l] William A. Griswold, Speaker—William Slade Esq. Secretary of State, & William D. Smith Esquire Clerk.

Mr Keyes, on leave, introduced the bill entitled "An act for the removal of Samuel E. Godfrey to the State's prison," which was read & referred to a Committee of one to join from the House. Mr Keyes was appointed to Join.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

His Excellency Governor Galusha & the Hon[l] Council proceeded to the Representatives' room, to whom the oaths of office as Governor were duly administered—when his Excellency made the following Speech.[3]

His Excellency the Governor & the Honorable Council returned to their Chamber & adjourned to 9 O'C. A. M. tomorrow.

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[1] Rev. Samuel Austin preached the election sermon.

[2] The votes for Governor were as follows: Jonas Galusha, 17,262; Samuel Strong, 13,888; scattering, 102.

[3] For the speech see *Appendix* A.

SATURDAY Oct. 12, 1816. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec[d] from the House a resolution appointing a committee of new trials to join—which was read and passed & Mr Doolittle appointed to join.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Received notice from the house that they had app[d] pursuant to their rules the following Committees to join from Council—A Military Committee of four members, A Committee of Claims of four members, A Judiciary Committee of four members, A Turnpike Committee of four members, A Committee of insolvency of four members, A Committee of Manufactures of four members, A Land tax Committee of four members —whereupon it was Resolved to join the above Committees & Gov. Brigham was appointed to join the military Committee—Mr Butler the Committee of Claims — Mr Smith the Judiciary Committee — Mr Bliss the Turnpike Committee—Mr Wright the Committee of Insolvency— Mr Keyes the Committee of Manufactures—Mr Crawford the Land Tax Committee.

Received from the House the petitions of David Stickney, Samuel Bryant, P. Richards Jr., T. Powell, Jacob F. Dodge, Obadiah Eaton, Rix Kinne, Ephraim Skinner, Edward S. Meeder, Joseph Fessenden,— each praying for acts of suspension—which were severally read & thereupon it was Resolved to concur with the house in their order to refer the same to the joint Committee on insolvency.

Received the petitions of Harry Hale, William Meacham, Z. & A. Lull, D. Herriman, Asa Cole, Nathan Brownson—with orders of the General Assembly on each referring the same to the joint Committee of Claims—which were read & Resolved to concur with the house in said reference.

Received the petition of Curtiss Holgate with an order of the house referring the same to a committee of four to join—which was read & it was Resolved to concur in said reference & Mr. Chittenden appointed.

The petition of Isaac Norton was received with an order referring the same to the judiciary Committee, which was read & it was Resolved to concur with the House in said reference.

The petitions of Joseph Mott, of Nathan Niles, were received with orders of the house on each referring the same to the joint Com. [on] Pet. of Curtiss Holgate—which were read, & it was Resolved to concur in said reference.

Received the petitions of Stamford—of Orange—with orders on the same referring them to the joint land tax committee. Conc[d].

The petitions of Inhabitants of Marlboro'—of Jonas Whitney—were received with orders to refer the same to the joint Turnpike Committee, which were read & it was Resolved to concur in said reference.

The petitions of Inhabitants of Windham County—of Stephen Shaw & others—of Inhabitants of Chelsea, with orders on each to refer the same to the joint Military Committee—which were read & it was Resolved to concur with the House in said reference.

The petition of Jabez Rogers Jr. was rec[d]. with an order referring the same to the joint Committee of New trials; which was read & Resolved to concur with the house in said reference.

The petition of Inhabitants of Addison & Chittenden Counties was received with an order referring the same to a select committee to join, which was read & Resolved to concur with the General Assembly in said reference & Mr. Bliss was appointed to join.

The petition of Caleb Fitch [Feltch] was received with an order of

the house referring the same to a committee of four to join—which was read & Resolved to join said Committee, & Gen[l] Cahoon was app[d].

The petitions of Jonas N. Benedict—of Samuel Britton, of Samuel Bell, with an order of the house on each referring the same to the joint Committee on the petition of Caleb Fitch, which were read & it was Resolved to concur with the House in said reference.

The petition of Simeon Wright was received with an order referring the same to a committee of four to join—which was read & it was Resolved to concur in said reference & Mr Peaslee appointed.

The Petition of James Andrews was received with an order to refer the same to the joint committee on the petition of Simeon Wright—which being read it was thereupon Resolved to concur in said reference.

The petition of Sally Harris was received with an order of the General Assembly referring the same to a committee of four to join—which was read & Resolved to concur in said reference, & Mr Chittenden appointed.

The petition of Polly Smith & Jonas Humphrey was rec[d] with an order referring the same to the joint Committee on the petition of Sally Harris—which being read Resolved to concur in said reference.

The Petition of the Inhabitants of Middlebury was received with an order to refer the same to a Committee of four to join—which being read Resolved to concur in said reference & Mr Smith appointed.

The petition of Tryphena Whitcomb was received with an order of the house referring the same to a Committee of two to join which was read & Resolved to join & Mr Stanley appointed.

The petition of Pittsford Aquaduct Company was rec[d] with an order of the house referring the same to a Committee of four to join—which was read & Resolved to concur in said reference & Mr Cahoon was duly appointed to join.

The petition of John Moshier [Mosher] was received with an order to refer the same to a Committee of two to join, which was read & Resolved to concur in said reference & Mr Peaslee was app[d].

Received from the house a resolution appointing a committee to receive, sort & count the Votes for Representatives to Congress to join—which was read & Resolved to concur in passing said resolution & Messrs. Stanley, Cahoon & Crawford were duly appointed to join said Committee.

Rec[d] a resolution appointing tuesday the 15[th] day of October instant at 4 O'C. P. M. a time for both houses to meet in County Conventions to nominate County officers & Wednesday morning next at the opening of the house to meet in Representatives' room to elect such officers—which was read & Concurred.

Adjourned to 9 O'C A. M. on Monday next.

MONDAY October 14, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petition of Anthony Barker & others was received with an order referring the same to the joint Committee on the petition of Inhabitants of Addison & Chittenden Counties—which was read & Resolved to concur with the General Assembly in said reference.

Petition of I. [Isaac] Chase was received with an order of the house referring the same to the joint committee on the petition of C. Fitch—which being read it was Resolved to concur with the house in said reference.

The petition of Mark Record was received with an order referring the same to the joint committee on the petition of John Mosher, which being read it was Resolved to concur in said reference.

The petition of the proprietors of Baptist meeting-house in Addison was received with an order of the house referring the same to the joint Committee on the petition of Sally Harris—which being read it was thereupon Resolved to concur in said reference.

Rec^{d} the petitions of Poultney Turnpike Company, of Inhabitants of Wilmington, of Simeon Rising & others, of Inhabitants of Dover, of Green Mountain Turnpike Company & papers, Bill for Waltham Turnpike Co^{y}, an act establishing a corporation by the name of Monkton Turnpike Company, Petition of Inhabitants [of] Wilmington, of Randall Rice & others, of Passumpsic Turnpike Company with an order of the General Assembly on each referring the same to the joint Turnpike Committee—which being read Resolved to concur with the house in their said reference.

Petitions of Barton, of Fayston, of Worcester, of Salem, Joseph Peck & others for Irasburgh, of Goshen, of Lyman Kidder, & an act laying a tax on Northfield were received with an order on each referring the same to the joint land tax committee, which being read Resolved to concur with the house in said reference.

Received the bill to credit the 1st Constable of Pawlet the sum therein mentioned—Petition of Rufus Holsey [Hosley,] the account of Bohan Shepard—with orders to refer the same to the joint Committee of Claims—which being read Resolved to concur in said reference.

The petition of Otis Standish was received with an order to refer it to the joint Committee of insolvency, which being read it was Resolved to concur in said reference.

The petition of Paul Robinson was received with an order to refer it to the joint Committee on petition of Simeon Wright, which being read it was Resolved to concur in said reference.

The Bill establishing the Merino Association was received with an order to refer the same to the joint Committee of Manufactures—which being read it was Resolved to concur in said reference.

Petition of inhabitants of Springfield was received with an order to refer the same to the joint Committee on the petition of Inhabitants of Pittsford. Concurred.

The petition of Mark Richards was received with an order to refer the same to the joint Committee of New Trials—which being read it was Resolved to concur in said reference.

The petition of Inhabitants of Brattleboro' was rec$^{d.}$ with an order referring the same to the joint Military Committee—which being read it was Resolved to concur in said reference.

Rec$^{d.}$ the bill entitled "an act in addition to an act constituting a Supreme Court & Judges of Supreme Court," with an order of the house to refer the same to the Judiciary Committee; which being read Resolved to concur with the house in said reference.

Received a Resolution of the General Assembly appointing tomorrow morning at 10 o'clock a time for both houses to meet in the representatives' room to elect judges of Supreme Court—which being read Resolved to concur in passing the same.

Rec^{d} a resolution instructing the Judiciary Committee to enquire into the expediency of erecting a court of Chancery &c.—which being read Resolved to concur in passing said resolution.

Adjourned to 2 O'C. P. M.

2 O'C. P. M—Gov. & Council met & adjourned to 9 O'C. A. M. tomorrow.

TUESDAY October 15. 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The Governor & Council met the House in the Representatives' room for the purpose of electing Judges of the Supreme Court—whereupon Hon^{l} Asa Aldis was duly elected Chief Judge & Hon^{l} Richard Skinner & James Fisk were elected Side or Assistant Judges. The Governor & Council returned to their Chamber.

The petitions of Jacob Safford & others—of C. L. Rockwood & others —of the Inhabitants of Cavendish &c. were received with orders on each to refer them to the Joint Turnpike Committee, which were read & Resolved to concur in said reference.

The petition & remonstrance of Samuel M. Lewis was rec^{d} with an order to refer it to the joint Committee of New Trials. Conc^{d}.

The petition of Moses Start was rec^{d} with an order of the house to refer the same to a com^{ee} of two to join, which was read & it was Resolved to concur with the house in said reference, and Mr Cahoon was appointed from Council.

The Petition of Charles [P.] & Betsy [H.] Chase was rec^{d} with an order of the house to refer the same to the joint Committee on the petition of P. B. Wilcox, which being read it was Conc^{d}.

The petition of select men of Grafton was received with an order referring it to a com^{ee} of three to join from Council—which being read it was Resolved to concur in said reference & Mr. Stanley was duly appointed to join said Committee.

The petition of inhabitants of Belvidere was rec^{d}. with an order to refer the same to the joint Committee on the petition of Fairfax—which was read & Concurred to join said Committee.

Petition of Inhabitants of Bridport was received with an order of the Gen^{l}. Assembly to refer it to a Committee of two members to join, which being read it was Resolved to concur in said reference & Gov. Brigham was appointed.

The petition of Richard P. Cooly was rec^{d}. with an order of the house referring the same to a com^{ee} of 4 members to join from Council—which being read it was resol^{d} to concur & Mr. Doolittle was appointed to join said Committee.

The petition of Inhabitants of Philadelphia was received with an order of the house to refer the same to a committee of 2 members to join from Council, which being read it was Resolved to concur in said reference & Mr Wright [was appointed.]

The petition of the proprietors & landowners of Landgrove was received with an order to refer it to a committee of three to join from Council, which was read & it was Resolved to concur in said reference & Mr Keyes was appointed to join.

The petition of Belvidere was received with an order to refer the same to a committee of three to join, which being read it was Resolved to concur in said reference & Mr Butler app^{d}.

Rec^{d} the bill entitled "an act confirming the proceedings of the proprietors of Peru," with an order of the house thereon referring it to the joint committee on the petition of Inhabitants of Landgrove &c. which being read it was Resolved to concur in said reference.

Petition of inhabitants of second school district of Jericho was received with an order to refer it to the joint committee on the petition of Inhabitants of Philadelphia, which being read it was Resolved to concur in said reference.

The petition of Peter & Betsey Wilcox was rec^{d} with an order of the General Assembly to refer it to a com^{ee} of two members to join — which

being read it was Resolved to concur in said reference & Mr Peaslee appd.

The petitions of Sutton, of Morgan, of Holland, were recd with orders of the house referring the same to the joint land tax committee — Resolved to concur in said reference.

The petition of Inhabitants of Belvidere was recd with an order referring the same to a Committee of three to join from Council — which being read Resolved to concur in said reference & Mr Butler was appd.

Recd the bill entitled an act establishing a County Grammar School with an order of the house referring the same to a committee of four to join from Council, which being read Resolved to concur in said reference & Mr Cahoon appd.

Recd the bill entitled an act directing the State's Treasurer to credit Linus Crampton &c. with an order to refer it [to] the Joint Committee of Claims, which was read & it was resolved to concur in said reference.

The petition of Henry Whitney was received with an order to refer the same to the joint Committee of Suspension, which was read & it was Resolved to concur in said reference.

The petition of Isaac Hinman was recd with an order of the house referring the same to the joint Committee of Claims. Concurred.

The petition of George Nelson was recd with an order to refer it to the joint Committee on the petition of P. B. Wilcox, which being read it was resolved to concur in said reference.

The petition of Inhabitants of Fairfield was received with an order to refer it to a comee of two to join. Concd & Mr Chittenden appd from Council.

The petition of Caleb H. Crook & others was received with an order to refer it to a committee of two to join. Concd & Mr Smith appointed.

Recd the petition of Inhabitants of Roxbury & Brookfield with an order to refer it to a [the] comee on the petition of Inhabitants of Fairfield, which being read it was Resolved to concur in said reference.

Recd a resolution of the General Assembly appointing a committee of five members to join from Council to report a bill repealing an act passed the 8th day of Nov. 1805 establishing the permanent seat of Government — which being read it was Resolved to concur in passing said resolution. Mr Crawford appointed to join.

Recd the bill entitled an act directing the Treasurer to pay the 1st Constable of Weybridge the sum therein mentioned — with an order referring the same to the joint Committee of Claims. Concd.

Recd a resolution appointing a committe of two members of the house to join &c. to enquire into the expediency of providing by law for digesting &c. a new edition of the laws of this State — which being read it was Resolved to concur in passing said resolution & Mr Keyes was appointed to join.

Recd a resolution appointing a committee to join to take into consideration the law relating to paupers — which being read it was Resolved to concur in passing the same & Gov. Brigham was appd.

Recd a resolution appointing a committee [of one] from each County to ascertain all the different descriptions of property of this State not appropriated—which being read Resolved to concur in passing this resolution & Mr Butler was appd.

The petition of the University of Vermont was recd with an order referring it [to] a member of each County to join, which being read Resolved to concur in passing the same — and Messrs Wright, Keyes & Bliss were appointed.

Adjd to 2 O'C. P. M.

2 O'C. P. M.— Governor & Council met pursuant to adjournment.

Rec^{d} petition for Turnpike from West River to Brattleboro — Remonstrance of Inhabitants of Ludlow—of Inhabitants of Shrewsbury & Mountholly—pet. of Willsboro [N. Y.] & Vergennes Turnpike Company—Remonstrance of Inhabitants of Cavendish with an order of the House on each referring the same to the joint Turnpike Committee, which were severally read & Resolved to concur in said reference.

Rec^{d} a resolution appointing 4 members of the House of Representatives to join from Council to be denominated the 2^{d} land tax Committee — which being read it was Resolved to concur in said reference [resolution.] — Mr Stanley was app^{d}.

Rec^{d} petitions for land taxes on Washington, Westfield, Bill to revive a land tax on Peru, on Kirby, Kelly Vale [Lowell] & Cabot, with an order of the house on each referring the same to the joint 2^{d} land tax Committee. [Concurred.]

Rec^{d} petition for a road from Middlebury to Berkshire & accompanying papers with an order to refer the same to a committee of four to join — which being read it was Resolved to concur in reference & Mr Keyes appointed.

The petition of Thomas Washburn was received with an order to refer the same to the joint Committee on the petition of Caleb Fitch. Conc^{d}.

The petition of Inhabitants of Brookline was rec^{d} with an order of the house referring it to a Committee of 4 members of the house to join, which being read it was Resolved to concur in said reference & Mr Crawford app^{d}.

The petition of Hezekiah Smith Jr. was rec^{d} with an order of the house to refer it to the joint Military Committee. Concurred.

The petition of Ethan Bradley was rec^{d} with an order to refer the same to the joint Committee of Manufactures, which being read it was Resolved to concur in said reference.

The petitions of Sarah Thompson — of Jonathan Sherman was [were] rec^{d} with an order on each referring the same to the joint Committee of Claims — which being read it was Resolved to concur in said reference.

Rec^{d} a resolution directing a Committee appointed on the petition of the Inhabitants of Addison & Chittenden Counties to enquire into the expediency of repealing the act entitled an act for laying out a road from Middlebury to Montpelier passed Nov. 11, 1814, which being read Resolved to concur in passing said resolution.

The petition of Julius Wilcox for an act of Suspension with an order of the house was received referring it to the joint Committee of Insolvency — which being read it was Resolved to concur in passing said reference.

The petition of Darius Clark was rec^{d} with an order referring the same to a committee of 4 to join — which was read & Concurred & Mr Peaslee appointed.

A bill entitled an act relating to State Printing was rec^{d} & an act granting to William Slade Jr. the right of printing the laws of this State —with an order of the house on each referring the same to the joint Committee on the petition of Darius Clark — which being read it was Resolved to concur in said reference.

The petition of several Inhabitants of Navy [Charleston,] Salem &c. [received] with an order of the house to refer the same to the joint Committee on the petition of Inhabitants of Fairfield — which being read it was Resolved to concur in said reference.

The petition of Selectmen of Troy [received] with an order of the house to refer the same to the [a] Committee of 4 members to join —

which being read it was Resolved to concur in said reference & Mr Smith was appointed.

The petitions of H. Smith [Hezekiah Jr.] & Thoˢ. Washburn was [were] received with an order of the house to refer the same to the joint Committee on the petition of Caleb Feltch — which was read & Concurred to join in sᵈ reference.

The petitions of Clark Rogers & Thomas Foster were received with an order to refer them to the joint Committee on the petition of Simeon Wright — which being read it was Resolved to concur in said reference.

Recᵈ the petition of Philip Haynes, with an order of the House to refer the same to the joint Comᵉᵉ of Suspensions — which being read it was Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. tomorrow.

WEDNESDAY October 16, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr Hammond, Councillor elect, appeared, took the several oaths of office & his seat as member of the Council.

The petition of David McKillips was filed & read, praying for a pardon—whereupon on the question Shall the prayer thereof be granted? the yeas & nays were called for & taken as follows —*Yeas*, Gov. Brigham, Messrs Keyes, Wright, Butler, Bliss, Smith, Cahoon, Stanley, Chittenden, Doolittle, Peaslee, Crawford & Hammond; so the prayer thereof was granted.—There being no nays.

The Governor & Council, pursuant to resolution of both houses, met the Genl Assembly in the representatives' room for the purpose of electing County officers—& after progress the joint committee adjourned to 2 O'C. P. M. of this day. Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjᵗ.

Governor & Council met the House in the Representatives' room in joint Comᵉᵉ to complete the appointment of County officers, & after progress the joint Comᵉᵉ adjourned to 10 O'C. tomorrow forenoon. Governor & Council returned to their Chamber & adjourned to 9 O'C. A. M. tomorrow.

THURSDAY October 17, 1816. 9 O'C. A. M.

Governor & Council met.

Petitions of Inhabitants of Starksboro', & for a road from Guildhall, Essex County, to Canaan, were received with an order to refer the same to the joint Committee on the petition of Inhabitants of Chittenden & Addison Counties—which being read it was Resolved to concur in said reference.

A report of the condition of the funds of the University of Vermont was received with an order referring it to the joint Comᵉᵉ on the petition of said University—which being read Resolved to concur in said reference.

Remonstrance against Turnpike from Townshend to Brattleboro'—of Inhabitants of Dummerston—of Thomas M. Fullerton—with an order of the house on each to refer them to the joint turnpike Committee—which being read Resolved to concur in said reference.

Recᵈ the bill entitled "an act to incorporate the president & directors of Windsor Bank"— with an order to refer it to a Comᵉᵉ of 4 members

of the House to join from Council—which being read it was Resolved to join said committee & Mr. Hammond was appointed.

Petition of inhabitants of Windham County for a bank was rec$^{d.}$ from the House with an order thereon referring it to the joint Committee on the bill for a Bank at Windsor—which being read it was Resolved to concur in said reference.

Rec$^{d.}$ a bill entitled "an act relating to State Printing" with an order to refer it [to] the joint Committee on petition of Darius Clark, which being read it was Resolved to concur in said reference.

Rec^{d} the bill entitled "an act for the relief of Elias Bates" with an order to refer it to a Committee of three to join from Council—which was read & concurred to join & Mr. Crawford was appointed.

The petition of Inhabitants of Plymouth was rec$^{d.}$ with an order of the Gen$^{l.}$ Assembly to [refer it to] joint Com^{ee} on Petition of the Inhabitants of Chittenden & Addison Counties—which being read it was Resolved to concur in said reference.

The petition of Ahaz French was rec$^{d.}$ with an order of the house referring it to the Com^{ee} of new trials, which was read & concurred to join in said reference.

Rec$^{d.}$ the petitions of Duncansboro'—of Shiverick Holmes—of Abel Page, & a bill in favor of Jonathan Hoyt Jr., with orders on each referring them to the joint Committee of Claims—which being read it was Resolved to concur in said reference.

The petitions of Anthony Jones—of John Page—with an order on each referring them to the joint Committee of Insolvency—which being read it was Resolved to concur in said reference.

The petition of Micajah Ingham was received with an order of the House on the same referring it to a Committee of 4 members of the House to join from Council—which being read it was Resolved to join in said reference & Mr. Hammond was app$^{d.}$

The petition of Rebecca Dennett was rec$^{d.}$ with an order referring it to the joint Committee on the petition of Micajah Ingham—which being read it was Resolved to concur in said reference.

The petition of Samuel [James] Lewis was rec$^{d.}$ with an order to refer it to the joint committee on the petition of John Mosely [Mosher,] which being read it was thereupon Resolved to concur in said reference.

The petition of Inhabitants of Salem &c. with an order of the house to refer the same to the joint committee on the petition of Inhabitants of Fairfield, which being read Resolved to concur in said reference.

Rec$^{d.}$ a resolution of the house directing the Judiciary Committee to enquire into the expediency of reporting to the house a bill repealing an act entitled an act making further provisions in the Judiciary department—which being read it was Resolved to concur in passing said resolution.

Rec$^{d.}$ the petitions of J. P. Ellis, of Ja$^{s.}$ Sawyer,—John & Timothy Harris, of John Carter Jr., Silas Hathaway, with an order of the Gen$^{l.}$ Assembly on each to refer it to the joint Committee of insolvency, which being read it was Resolved to concur in said reference.

The petitions of David M^{c}Coy, of Jonathan Fassett, of James Cummings was [were] rec$^{d.}$ with an order of the house to refer them to the joint Committee of Claims—which being read, Resolved to concur with the house in said reference.

The petition of the Green Mountain [Turnpike] Company was rec$^{d.}$ with an order of the house referring the same to the joint Turnpike Committee—which being read it was Resolved to concur in said reference.

The petition of Jeremiah Virginia was rec$^{d.}$ with an order referring

the same to the joint Committee [on the petition] of Simeon Wright—which was read & concurred in said reference.

The petition of Oliver Moulton was rec$^{d.}$ with an order of the house to refer it to the joint committee [on the petition] of M. Ingham—which being read it was resolved to concur in said reference.

The petition of John Merriam was rec$^{d.}$ with an order to refer it to a committee of the House to join from Council, which being read it was Resolved to concur in said reference. Mr. Doolittle was appointed to join.

The petition of Shrewsbury Artillery Company was rec$^{d.}$ with an order to refer it to the joint Military Com^{ee,} which being read Resolved to concur in said reference.

A petition for a post road from Windsor to Rutland was received with an order to refer it to the joint Com^{ee} on the petition of Inhabitants of Addison & Chittenden Counties—which being read it was Resolved to concur in said reference.

Rec$^{d.}$ from the house a resolution appointing a Committee to take into consideration the expediency of altering the 14 Sec. of the law reducing into one the several acts for laying out & clearing roads &c. which being read it was Resolved to concur in passing the same & Mr. Hammond was app$^{d.}$

Pursuant to adjournment of the joint Committee the Governor & Council met the House of Representatives in their room for the purpose of completing the County appointments, & after progress said Committee adjourned until tomorrow at 3 O'C. P. M.

The Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met.

The petitions of Joseph Reynolds, of A. W. Palmer, H. Medcalf, Samuel Benham & Henry A. Smith, convicts of State's prison praying for pardon, were severally read & dismissed.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY October 18, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petition of Michael Ford, a convict of State's prison, was read, praying for a pardon. On the question Shall the prayer thereof be granted ? the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Keyes, Wright, Butler, Smith, Bliss, Cahoon, Stanley, Chittenden, Doolittle, Crawford & Hammond. *Nay*, Mr. Peaslee. So the prayer was granted.

The petition of ——— Blood, a convict of State's prison praying for a pardon, was read, & on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Keyes, Wright, Butler, Smith, Bliss, Cahoon, Stanley, Chittenden, Peaslee, Crawford & Hammond—*Nays*, none—so the prayer was granted.

The petition of David Hibbard [jr.] was rec$^{d.}$ from the house with an order to refer the same to a Committee of 4 members to join, which being read Resolved to concur in said reference & Mr. Hammond app$^{d.}$

Rec$^{d.}$ the petition of overseers of poor of Richmond with an order of the house to refer it to the joint committee of new trials—which being read it was Resolved to concur in said reference.

Rec$^{d.}$ a petition for a Turnpike in Windsor County with an order of the house referring it to the joint Turnpike Com$^{ee.}$ Concurred.

Rec^{d} the petitions of Asa & Elnathan Bassett—of Stukely Foster & of James Willard—with an order of the house on each referring it to the joint Committee of insolvency, which being read it was Resolved to concur in said reference.

Rec^{d} the report of Committee appointed by the several acts [of 1814 and 1815] for the relief of John Merriam, whereon was an order of the House referring it to the Committee on the petition of John Merriam—which being read it was Resolved to concur in said reference.

Remonstrance of Inhabitants of Cambridge against pet. of inhabitants of Coit's gore was rec^{d} with an order of the house referring it to the joint Committee on the petition of Inhabitants of Fairfield, which being read it was Resolved to concur in said reference.

The petition of Talitha Burnham was rec^{d} with an order of the house to refer the same to a committee of 4 members to join. which was read & Resolved to concur & Mr. Doolittle app^{d} to join.

The petition of Inhabitants of Danville, praying for the relief of Maj. General Barton, was rec^{d} with an order referring it to a com^{ee} of two to join, which being read it was Resolved to concur in said reference & Mr. Hammond app^{d}.

The petition of Bradford was rec^{d} with an order of the House referring the same to a committee of 4 members to join—which being read it was Resolved to concur in said reference & Mr. Cahoon was appointed.

The petition of Inhabitants of Minehead [Bloomfield] was rec^{d} with an order of the house referring it to the 2^{d} land tax com^{ee}, which being read it was Resolved to concur in said reference.

The petition of Philadelphia was rec^{d} with an order to refer it to the 1st joint land tax com^{ee}, which being read Resolved to concur in said reference.

Petition of Inhabitants of Cabot was rec^{d} with an order to refer it to the joint Com^{ee} on the petition of Inhabitants of Addison & Chittenden Counties—which being read it was Resolved to concur in said reference.

The petition of Joseph Weeks was rec^{d} with an order referring it to the Committee of Claims—which being read it was Resolved to concur in said reference.

Rec^{d} from the House a resolution directing the judiciary committee to take into consideration the expediency of altering the time of holding County Courts &c.—which being read it was Resolved to concur in passing said resolution.

Ordered that the Secretary present the following communication from His Excellency the Governor to the Speaker of the House:—

In Council Chamber, Oct. 18, 1816.

To William A. Griswold Esqr. Speaker of House of Representatives.

Sir,—I transmit for the information of the General Assembly the following communications from the executives of the several States on the different subjects therein mentioned.

No^{s}. 1, 2, 3, 4 & 5 refer to communications rec^{d} from the States of Louisiana, Tennessee, Ohio, North Carolina, & Virginia on the subject of amendments proposed to the Constitution of the United States by the States of Massachusetts & Connecticut.

No^{s}. 6 & 7 contain proposals of amendment to the Constitution of the United States by the States of Massachusetts & North Carolina respecting the election of Representatives to Congress & electors of President & Vice President.

No^{s}. 9, 8, 10, 11 & 12 contain the resolutions of the States [of] Virginia, Ohio, Rhode Island, & Connecticut on the proposal of amendment to the Constitution of the United States relating to the election of Representatives to Congress & electors of President & V. President.

Nos. 13, 14 & 15 contain resolutions of Ohio, Louisiana & North Carolina on the proposal of amendment to the Constitution of the U. S. reducing the term of service of Senators in Congress from six years to four.[1]

No. 16 is a letter from the Hon^l. De Witt Clinton on the subject of Canal navigation referred to in the executive communication [Governor's speech.]

No. 17 contains the account of Maj. Seth Cushman for his expences incurred while employed as an agent to the Governor of Canada to obtain the release of Mr. Samuel Hugh, pursuant to his appointment.

The General Assembly will please to adopt such measures as the several subjects may require. JONAS GALUSHA.

The petition of John V. Wyman, a convict of State's prison, was called up, read & on the question Shall the prayer thereof be granted? the yeas & nays were called for [and] taken as follows—*Yeas*, Gov. Brigham, Messrs. Wright, Butler, Smith, Bliss, Stanley, Chittenden, Doolittle, Hammond; *Nays*, Messrs. Keyes, Cahoon, & Crawford; Yeas 9—Nays 3: so the prayer of said petition was granted.

The petition of Timothy Steward, a convict of State's prison, was called up, read & on the question Shall the prayer thereof be granted? The Yeas & Nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Wright, Butler, Smith, Bliss, Cahoon, Stanley, Chittenden, Doolittle, Crawford & Hammond, 11—*Nay* Mr. Keyes, 1—so the prayer of said petition was granted.

Governor & Council met the Gen^l. Assembly in Rep^s' room to complete County appointments & after progress the joint Committee adjourned.

Mr. Keyes appointed on the Committee on the Pet. of Simeon Wright.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY Oct. 19, 1816. 9 O'C. A. M.

Governor & Council met.

The petition of Frye Bayley was rec^d with an order referring it to Com^ee of Claims. Concurred.

The Petition John Burroughs was read, a convict of State's Prison praying for pardon—on the question Shall the prayer thereof be granted? the Yeas & Nays were taken as follows—*Yeas*, Gov. Brigham, Messrs. Keyes, Wright, Butler, Smith, Stanley, Bliss, Cahoon, Chittenden, Doolittle, Crawford & Hammond—*Nays* none—So the prayer of said Pet. was granted.

The Petition of Richford for a land tax was rec^d with an order referring it to the 1^st land tax committee. Conc^d.

Pet. of Walden for a land tax was rec^d with an order of the house referring it the 2^d land tax com^ee. Conc^d.

Rec^d. the petition of Calvin Fairchild [Fairbank jr.,] of Barnard Artillery with an order of the house to refer it [them] to the Military Committee—which being read Resolved to concur in said reference.

A report on the pet. of Simeon Wright was rec^d with an order of recommitment, which being read it was resolved to concur.

The petitions of Clark Haven, Job Strong, of Jabez Luther, of Bartholomew French jr. with [order] of the House referring them to the joint Com^ee of Insolvency, were rec^d & read & Concurred.

The petitions of Daniel Goss, of John Morrison & others, of Joshua R. Larkin, with orders on each referring them to the joint Committee on

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[1] See *Appendix* C.

the petition of Micajah Ingham, which being read it was Resolved to concur in said reference.

Pet. of John G. Woodward was rec^{d} with an order of the house referring it to the joint Committee on the petition of John Mosher—which being read it was Resolved to concur in said reference.

The petition of Richard Halliday, a convict of State's prison praying for pardon, was read & on the question Shall the prayer thereof be granted ? the yeas & nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Wright, Butler, Smith, Bliss, Cahoon, Stanley, Chittenden, Doolittle, Crawford & Hammond—11. *Nay* Mr. Keyes. So the prayer of said petition was granted.

The bill entitled an act to alter an act entitled an act to regulate fees, was rec^{d} from the house with an order to refer it to a committee of 3 members to join. Concurred & Mr. Hunter appointed.[1]

The petition of Jared Dixon was rec^{d} with an order to refer it to the joint Committee on the petition of Caleb Fitch. Concurred to join said Committee.

Rec^{d} the petition of Arad Merrill with an order to refer it to the joint Committee of Claims—which being read it was Resolved to concur in said reference.

The petition of Adney Eaton was rec^{d} from the house [with an order] referring it to the joint Committee on the Petition from Fairfield—read & Concurred.

The petition of the President & Fellows of Middlebury College was rec^{d} with an order to refer it [to] the joint Committee on the petition of Corporation of University of Vermont; which being read Resolved to concur in said reference.

Rec^{d} a resolution appointing the 4th day of Nov^{r} next a time for both houses to meet, at 10 O'Clock forenoon, to elect 8 electors of President & Vice President—which being read Resolved to concur in passing said resolution.[2]

Rec^{d} from the House a resolution instructing the Senators & requesting the Representatives [of this State] in Congress to procure a repeal of the Compensation bill—which being duly read it was Resolved to conour in passing said resolution.[3]

Adjourned to 2 O'C. P. M.

2 O'clock P. M.—Governor & Council met.

Petitions of Daniel W. Slaid, of Oren Willard, of John N. Cunningham, convicts of State's prison, were read & dismissed.

Rec^{d} the Petition of Samuel M. Lewis with an order to recommit it to the Committee of New Trials.—Concurred.

Rec^{d} the bill relating to State's Printing with an order of the house to recommit the same to the joint Committee raised on that subject, which being read it was Resolved to concur in said recommitment.

The petition of I. Norton & I. Northrup was rec^{d} with an order to recommit—which being read it was Resolved to concur in said order of recommitment.

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[1] Evidently an error, as Mr. Hunter was not a member of the Council.

[2] This resolution was amended and the election made on the 1st of November, when Jonathan Robinson, Apollos Austin, Robert Holley, Wm. Brayton, James Roberts, Asaph Fletcher, John H. Cotton, and Isaiah Fisk were elected.

[3] The act objected to allowed $1500 per annum to Congressmen, instead of the former rate of $6 per day.

Rec^{d} the petitions of Samuel Huntington—of Daniel Henshaw—of Seth Cushman—with an order of the house on each referring them to the joint Committee of Claims—which being read it was Resolved to concur in said reference.

The petition of Alex^{r} Campbell was rec^{d} with an order referring it to the joint Com^{ee} of New Trials. Conc^{d}.

Adj^{d} to 9 O'C. Monday morning next.

MONDAY October 21, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} a bill for the relief of Inhabitants of Peru for lands used by Turnpike with an order of the house to refer it to the joint Turnpike Com^{ee}, which being read Resolved to concur in said reference.

Rec^{d} from the House the Communication of the Hon^{l} De Witt Clinton with an order thereon referring it to a Com^{ee} of 4 members to join —which being read it was Resolved to join said Committee & Mr. Keyes was appointed.

Rec^{d} the bill relating to school lands with an order of the House referring it to the joint Judiciary Com^{ee}, which was read & concurred.

Rec^{d} the bill entitled "an act in alteration & amendment of an act entitled an act making further provisions in the Judiciary department," with an order to refer it to the joint Judiciary Committee—which being read it was thereupon Resolved to concur in said reference.

The petitions of John Church Jr., William Johnson, Henry Fitch & Samuel I. Mott, convicts of State's prison, were read & dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met.

The petition of Francis Pilkey, a convict of State's prison praying for pardon, was read & on the question Shall the prayer thereof be granted? The Yeas & Nays were called for & taken as follows—*Yeas*, Messrs. Wright, Butler, Smith, Bliss, Cahoon, Stanley, Chittenden, Peaslee, Crawford & Hammond. *Nays* none. So the prayer was granted.

The petitions of John Brown, of Henry Rose, Willard Chapman, Francis Wood, Benjamin Abbott, William Davis, Jesse Brooks, John P. Hill, Joseph Maher Jr., George Wilson, John Luck, C. Jones, James R. Perry, William M. Parker, William Riley, & Ebenezer Burt, convicts of State's prison praying for pardon, were read & dismissed.

Adjourned to 9 O'C. A. M. tomorrow.

TUESDAY October 22^{d}, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the report of the Visitors of State's prison with an order of the house to refer it to a committee of 4 members to join. Concurred & Mr. Smith was appointed.

Rec^{d} the bill entitled an act in addition to an act regulating proceedings in town meetings with an order to refer it to the judiciary committee, which being read Resolved to concur in said reference.

Rec^{d} the resolution of Gen^{l} Assembly directing the Military Committee to enquire into the expediency of directing the town grand Jurors &c. to enter complaints &c. to carry into effect the 34th Section of the Militia act—which being read it was Resolved to concur in passing said resolution.

Rec^{d} a resolution instructing the Judiciary Committee to enquire into the expediency of allowing the Inhabitants of towns to testify &c. [when the town is a party,] which being read it was Resolved to concur in passing said resolution.

Rec^{d} a bill relating to State's printing with an order to refer it to the joint Committee on the petition of Daniel Clark. Concurred.

Rec^{d} the bill laying a tax on Goshen Gore with an order referring it to the 1st joint land tax Committee—which being read Resolved to concur in said reference.

The petitions of Selah Hickok, Edmond Patrick, Arvin Potter, John Johnson, Miles Jordan, Jacobus Rockfellow, Henry Stone, Asahel Mott, convicts of State's Prison, praying for pardon, were read & dismissed.

The petition of Worthy Beaman, a convict of State's Prison, was rec^{d} & read, praying for a pardon—which being heard, on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows—*Yeas*, Messrs. Wright, Butler, Smith, Bliss, Cahoon, Stanley, Chittenden, Doolittle, Peaslee, Crawford & Hammond. *Nays* none—so the prayer of said petition was granted.

Rec^{d} from the General Assembly the following engrossed bills sent up for revision & concurrence or proposal of amendment, Viz. An act granting relief to the Administrator of James Walker deceased; An act extending the time for compleating the Vergennes & Willsboro' [N. Y.] road; An act appointing a place for the meeting of the electors of President & Vice President; An act granting relief to Harriett A. Holton; An act in addition to an act laying & surveying a market road from M. Bartholomew's in Vershire &c.; An act in addition to an act incorporating the Passumpsic Turnpike Company; An act authorizing the Administratrix of Lebbeus Harris deceased to sell lands;" which said bills being severally read it was Resolved to concur in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The committee app^{d} on the bill for the removal of Samuel E. Godfrey to State's Prison made report, which was read & accepted. The engrossed bill entitled "an act for the removal of Samuel E. Godfrey to State's Prison," was taken up & read & on the question Shall the bill pass [to] be sent to the General Assembly for concurrence? the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Wright, Smith, Bliss, Stanley, Chittenden, Doolittle, Peaslee, Hammond & Crawford—10. *Nays*, Messrs. Butler & Cahoon—2. So the bill passed in the affirmative.

Received the bills, one entitled "an act restoring Mark Record to his legal privileges," one restoring John Mosher to his legal privileges, with orders on each referring the same to the joint Committee on the petition of John Mosher—which were read & Resolved to concur in said reference.

Rec^{d} a resolution appointing a committee to enquire into the justice &c. of appointing some suitable person to institute a process against the Connecticut River Turnpike Company &c. to join—which was read & Resolved to concur in passing said resolution; Mr. Stanley was appointed.

The petition of Manly Ravlin, a convict of State's Prison, was read, praying for a Pardon, whereupon on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Wright, Smith, Cahoon, Stanley, Chittenden, Peasley, Crawford & Hammond—Yeas 9. *Nays*, Messrs. Butler & Bliss—2. The Prayer of said Petition was granted.

Resolved to advize His Excellency the Governor & He is hereby advized, to appoint the third Wednesday of April next to be observed as a day of Fasting & Prayer throughout this State, & that He issue his Proclamation accordingly.

Rec^{d} notice from the Gen^{l} Assembly that they had concurred in the bill for the removal of Godfrey to the State's Prison.

Rec^{d} the engrossed bill entitled "an act directing the Treasurer to credit Elias Bates of Ira the sum therein mentioned," sent up for concurrence &c. which being read Resolved to concur in passing the same into a Law.

Adjourned to 9 O'C. A. M. tomorrow.

Wednesday October 23^{d}, 1816. 9 O'C. A. M.

Governor & Council met.

Rec^{d} from the house a bill proposing an amen^{t} to the Militia Laws, which contained an order of the house to refer it to the joint Military Committee, which being read Resolved to concur in said reference.

Rec^{d} a resolution app^{g} this day at 2 O'C. P. M. a time for both houses to meet to elect a Chaplain for the remainder of the session. Concurred.[1]

Rec^{d} a bill entitled an act to revive a land tax on the town of Montgomery, with an order of the house to refer it to the 2^{d} joint land tax Com^{ee}. Concurred to refer it to said committee.

Rec^{d} the bill entitled "an act in addition to an act regulating town meetings &c." with an order to refer it to the joint Judiciary Committee —which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act incorporating the President, Directors & Company of the Bank of Burlington, with an order to refer it to the joint Committee on the bill for a bank at Windsor—which was read & Resolved to concur in said reference.

Rec^{d} the following engrossed bills sent up from the House for concurrence & revision or proposals of amendment, Viz. —"An act authorizing the guardian of the minor Heirs of Arnold Gully [Guilly] to sell land; An act to incorporate certain persons therein named by the name of the Springfield Aquaduct Co^{y}; An act to repeal an act therein mentioned; An act appointing a committee to lay out a road from Middlebury in [the] County of Addison to lower falls in Onion River in the County of Chittenden;" which were severally read & it was Resolved to concur in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The Petition of Jonathan Kendall was rec^{d} with an order referring it to the joint Committee on the Pet. of John Merriam—which was Read & Resolved to concur in said reference.

Rec^{d} a bill laying a tax on the town of Barton, with an order referring it to the 2^{d} joint land tax committee—which was read & Concurred to join.

Rec^{d} the bill annexing a part of Salem & Coventry to Duncansboro with an order of the House thereon referring it to the [committee on the] Petition of Inhabitants of Fairfield, which was read & Resolved to join [in] said reference.

Rec^{d} the petition of Asaph Fletcher Jr., with an order of the house to refer it to the joint Military Committee—which being read Resolved to concur in said reference.

Adj^{d} to 9 O'C. A. M. to Morrow.

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[1] Rev. Joshua Bradley was elected vice Rev. Samuel Austin excused.

THURSDAY October 24, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} from the General Assembly a Resolution appointing a com^{ee} of 4 to join from Council, to enquire into the expediency of making alteration &c. to the law relating to interest on Contracts—which being read Resolved to concur in said resolution & Mr. Hammond was appointed.

Benjamin Swan, Treasurer Elect, appeared in Council Chamber & presented a bond in the penal sum of one hundred thousand dollars conditioned for the [faithful] performance of his duty as Treasurer—signed by himself as principal & Ja^{s}. H. Langdon & Elias Keyes as sureties—which was approved & accepted & the said Swan was duly sworn Treasurer of Vermont for the year ensuing.

Rec^{d} the bill directing the Treasurer to pay Seth Cushman the sum therein mentioned with an order to refer it to the Committee of Claims. Concurred to refer it.

Rec^{d} from the house a resolution instructing the Judiciary Committee to enquire into the expediency of authorizing the Judges of the Supreme Court to draw orders &c. in favor of persons who have apprehended criminals—which being read Resolved to concur in said resolution.

Rec^{d} from the House a resolution directing the Military Committee to enquire into the expediency of repealing the 3^{d} Section of the act in addition to an act concerning the militia—which was read & Resolved to concur in passing said resolution.

Rec^{d} a bill for the relief of Bennett Palmer with an order of the House thereon referring it to the joint Committee of Claims—which was Read, whereupon it was Resolved to concur in said reference.

Rec^{d} the following engrossed bills sent up from the House for revision & concurrence or proposals of amendment—"An act directing the Treasurer of this State to Credit Linus Crampton 1st Constable of Tinmouth the sum therein mentioned; An act directing the Treasurer to pay Rufus Hosley the sum therein mentioned; An act incorporating certain persons therein named by the [name of the] Pittsford aquaduct Company; An act directing the Treasurer to credit the 1st Constable of Weybridge the sum therein mentioned;" which were severally read & Resolved to concur in said bills & that the same become laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the bill entitled an act repealing an act establishing the Seat of Government at Montpelier, with an order of the house to refer it to the committee who reported the bill—which was read & Resolved to concur in said reference.

Rec^{d} a Resolution directing the Committee on the petition of Darius Clark to enquire into the expediency of reporting a bill for the Clerk of the House & Secretary of State to procure the State printing.—Concurred.

Rec^{d} the following engrossed bills sent up from the General Assembly for revision & Concurrence or proposals of amendment, Viz.—"An act laying a tax on the County of Franklin; An act laying a tax of 2 cents per acre on Goshen Gore;" which were read & Resolved to concur with the house in passing the same into laws.

Rec^{d} the engrossed bill entitled "an act laying a tax of 4 cents per acre on Sutton" which was read & passed with sundry proposals of amendment, & Mr Cahoon was appointed to assign the reasons to the house.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY October 25, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the bill entitled "an act laying a tax of 3 cents per acre on the town of Richford," with an order of the House referring it to the 2nd Joint Land tax committee—which being read Resolved to concur in said reference.

Rec^{d} a resolution of the House instructing the Committee on Mr. Ingham's Resolution to take into consideration that part of His Excellency's Speech relating to education. Concurred.

Rec^{d} a resolution from the House directing the Military Committee to take into consideration the expediency of providing that towns shall provide rations for militia while on duty—which being read Resolved to concur in passing that resolution.

Rec^{d} a bill relating to fees, with an order of the house theron referring it to the judiciary Committee—which being read Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay Selah Hicock the sum therein mentioned with an order to refer it to the joint Committee on the Petition of Caleb Fitch—which being read Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} from the House of Representatives a Resolution instructing the Military Committee to take into consideration that part of His Excellency's Speech relating to an act of Congress concerning field officers—which being read Resolved to concur in the passing of said Resolution.

Mr. Keyes was appointed on the Committee on the Petition of Curtiss Holgate.

Rec^{d} from the Gen$^{l.}$ Assembly the following engrossed Bills sent up for concurrence & revision or proposals of amendment, Viz.—"An act for the relief of David Stickney; An act for the relief of Ebenezer Stark, Benjamin Bell & James Tucker;" which were severally read—whereupon Resolved to concur with the General Assembly in passing said bills into laws.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY October 26, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} a bill for the relief of Edward S. Meader, with an order of the House thereon referring it to the joint Committee of Insolvency, which being read Resolved to concur in said reference.

Rec^{d} the bill appointing a committee to lay out a road from Middlebury to Canada line, with an order of the House referring it to the Committee on the petition of Inhabitants of Addison & Chittenden Counties, which being read Resolved to concur in said reference.

Rec^{d} the bill for paying Zacheus Chickering the sum therein mentioned with an order to refer it to the committee on the petition of Caleb Fitch—which being read Resolved to concur in said reference.

Rec^{d} a bill for the relief of Calvin Fairbanks [jr.] with an order to refer it to the Military Committee, which being read Resolved to concur in said reference.

Rec^{d} from the General Assembly the following engrossed bills sent up for revision & Concurrence or proposals of amendment, Viz. "An act directing the Treasurer to pay Frye Bayley the sum therein mentioned;

An act empowering the Judge of Probate for the District of Chittenden to licence Polly Smith & Jonas Humphrey to deed lands &c.; An act directing the Treasurer to pay Seth Cushman the sum therein mentioned; An act to repeal an act therein mentioned; An act laying a tax of 3 cents pr. acre on the town of Irasburgh; An act laying a tax of 4 cents per acre on the town of Groton; An act directing the Treasurer to credit Jonathan Hoyt Jr. 1st Constable of New Haven the sum therein mentioned; An act reviving an act laying a tax of 3 cents pr. acre on the town of Peru; An act to authorize the Town Clerk of Peru to transcribe certain records; An act for the benefit of the overseers of the poor of the town of Richmond; An act freeing the body of John Page from arrest or imprisonment for the term of seven years;" which said bills were severally read & Resolved to concur with the house in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Recd from the House the petitions of Joseph M. Ormsbee—of Livy Lawton, with orders on each referring them to the joint Committee of Insolvency, which being read Resolved to concur in said reference.

The Governor & Council met the House in joint Committee.

His Excellency the Governor sent the following communication to the General Assembly:

To the Honl. William A. Griswold Speaker of the General Assembly: Sir, I hereby communicate for the information of the General Assembly, that the Honl. Asa Aldis Esqr; who was elected Judge of the Supreme Court the present Session, has declined the acceptance of that office.

Also, that Brigadier General Dunton, of the first Brigade & third division of the militia of this State, has resigned that office.

Also that the Reverend John Fitch, who has been elected one of the trustees of the University of Vermont, has declined the acceptance of that office.

Also that the Honl. Heman Allen of Colchester has resigned his office of trustee of said University.

Also that five vacancies will occur, on the 1st day of December next, in the board of trust of said University, by the expiration of the time for which the same number of trustees were elected. The General Assembly will please to adopt proper measures relating to the several foregoing subjects.

I am your obedient servant, JONAS GALUSHA.

Adjourned to 9 O'C. A. M. on Monday next.

MONDAY October 28th, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjt.

Recd a bill entitled an act to repeal an act therein mentioned, with an order of the House to refer the same to the joint Turnpike Committee, which being read Resolved to concur in said reference.

Recd the bill to free the body of Obadiah Eaton from imprisonment, & the petition of Timothy Hinman, with orders of the house on each to refer them to the joint Committee of Insolvency—which being read Resolved to concur in said reference.

Recd a resolution instructing the judiciary committee to enquire into the expediency of repealing the act to prevent the fraudulent speculation of choses in action, which was read & Resolved to concur in passing the same.

The petition of Talitha Burnham was returned to Council with an order of the House to recommit the same to the Committee to whom it had been referred—which being read Resolved to concur in said order of recommitment.

Rec^{d} the following engrossed bills sent up from the House for revision & Concurrence or proposals of amendment—"An act laying a tax on the County of Windsor; An act freeing the body of John Page from arrest & imprisonment for the term of 7 years; An act laying a tax of 3 cents pr. acre on the town of Barton; An act to establish a deed therein mentioned; An act in addition to & in alteration of an act constituting a Company of Artillery in the town of Barnard;" which were read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met.

Rec^{d} from the House a resolution appointing a time for both Houses to meet in joint Committee to elect the several officers to fill the vacancies mentioned in His Excellency's communication of the 26th Instant October—which was Read & Resolved to concur in passing said resolution with a proposal of amendment. Mr. Doolittle appointed to assign the reasons.

The Governor & Council were informed by written message from the Gen^{l} Assembly that they had concurred in said proposal of amendment.

Rec^{d} a bill annexing the town of Philadelphia to Chittenden, with an order of the House to refer it to the joint Committee on the petition of Inhabitants of Addison & Chittenden Counties—which being read Resolved to concur in said reference.

The account of George Worthington was received with an order of the House referrring it to the joint Committee of Claims. Concurred.

Rec^{d} the following engrossed bills sent up for revision & concurrence &c. Viz.—"An act annexing a part of Avery's Gore & a part of Athens to Grafton, & An act laying a tax on the County of Chittenden;" which were read & concurred.

On motion & leave Mr. Keyes introduced the bill entitled "An act exempting the lands belonging to this State from taxes;" which was read & Referred to a committee of Council to join from the House. Mr. Keyes of Council appointed.

Adjourned to 9 O'C. A. M. tomorrow.

Tuesday October 29, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the report of the Quartermaster General with an order of the House to refer it to the joint Military Committee—which being read Resolved to concur in s^{d} Reference.

The petition of Peter & Betsey Wilcox was rec^{d} from the House with an order thereon recommitting it to the same committee raised on said Petition, which was read & thereupon Resolved to concur in said recommitment.

The petition of Increase Graves was rec^{d} from the House with an order to refer it to the joint Committee on the petition of Caleb Fitch, which being read thereupon it was Resolved to concur in said reference.

Rec^{d} an engrossed bill sent up for revision & concurrence &c. entitled "an act laying a tax of 4 cents pr. acre on the town of Cabot;" which being read, thereupon it was Resolved to concur in passing the same into a Law.

Rec^{d} the engrossed bill entitled "an act for the relief of Isaac Hinman," sent up for concurrence & revision &c. which was read & passed to become a law with proposals of amendment. Mr. Butler appointed to assign the reasons for amendment to the House.

Governor & Council met the General Assembly in joint Committee to complete the County appointments, & after progress the joint committee adjourned to Friday next at 3 O'C. P. M. Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the engrossed bill from the House entitled "an act in addition to an act relating to the Waltham Turnpike Company," sent up for revision & concurrence &c. which was read & concurred with a proposal of amendment, & Mr. Hammond was appointed to assign the reasons for the same to the House.

Rec^{d} a message in writing from the House that they had concurred in the proposal of amendment made by Council to the engrossed bill for the relief of Isaac Hinman.

Rec^{d} a resolution instructing the Judiciary Committee to enquire into the expediency of repealing the 1st Section of an act defining the powers of Justices of the peace, which gives them the power of inflicting corporal punishment—which being read Resolved to concur in said resolution.

The resolution appointing a time for both houses to meet to elect electors of President & Vice president of the United States, which had been concurred in by the Governor & Council, was called up & the vote of concurrence rescinded & [the resolution] amended & then passed & sent to the Gen^{l} Assembly.

The petitions of George W. Taft & Benjamin Sargeant were Received from the house with an order on each referring them to the joint Committee of Insolvency, which being read thereupon it was Resolved to concur in said references.

Rec^{d} from the House a resolution directing the Military Committee to enquire into the expediency of establishing for the militia of this State the same system of tactics & discipline as is adopted by the Secretary of War of the United States—which being read, thereupon it was Resolved to concur in said resolution.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. Viz.—"An act laying a tax on the County of Orange; An act altering the name of Duncansboro' to Newport; An act discharging the person of Job Strong from arrest or imprisonment for the term of two years; An act directing the Treasurer to pay Shiverick Holmes the sum therein mentioned;" & "An act to revive an act passed Nov. 14, 1815, laying a tax on the town of Montgomery;" which were severally read & thereupon it was Resolved to concur in passing the same into Laws.

Adjourned to 9 O'C. A. M. tomorrow.

Wednesday October 30, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

His Excellency ordered the following communication to be sent to the House—

To the Hon^{l} William A. Griswold Esq^{r} Speaker of House of Representatives — Sir, — I hereby communicate to you for the information of the General Assembly that there is a vacancy in the office of Brigadier General of 2^{d} Brigade & 4th division of the militia of this State occasioned

by the resignation of Brigadier General John French. The General Assembly are requested to take proper measures to fill said vacancy. I am &c. JONAS GALUSHA.

Rec^{d} an engrossed bill sent up from the House for revision & concurrence or proposals of amendment, entitled "an act constituting a company of Cavalry in the towns of Cavendish, Chester & Ludlow;" which was read & passed to become a law with certain proposals of amendment & Mr Cahoon was appointed to assign the reasons to the House.

Rec^{d} a resolution of the house appointing 11 O'C. A. M. this day for both houses to meet to elect a Brigadier Gen^{l} for 2^{d} Brigade & 4th Division of Militia.—Concurred.

Rec^{d} from the House a bill explanatory of an act entitled an act for the probate of Wills & the settlement of testate & intestate estates with an order thereon referring it to the joint Judiciary Com^{ee,} which being read Resolved to concur in said reference.

Governor & Council pursuant to resolution met the House in Representatives' room to elect Brigadier General & Judge of Supreme [Court] &c. & after progress the Joint Committee adjourned to 2 O'C. P. M. on Friday next. The Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.[1]

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} a resolution of the House instructing the judiciary Committee to enquire into the expediency of repealing or altering the laws respecting the Support of Schools—which being read Resolved to concur in the passing of said Resolution.

Adjourned to 9 O'C. A. M. tomorrow.

THURSDAY October 31, 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} a resolution of the House instructing the judiciary committee to enquire into the expediency of Supreme court Sitting in Orleans County —also Resolution instructing the judiciary committee to enquire into the expediency of defining what shall be exempt from attachment &c. — which were read & Resolved to concur in said resolutions.

Rec^{d} from the House the bill entitled an act in addition to & in alteration of an act incorporating the West River Turnpike Company, with an order of the House to refer it to the joint Turnpike Committee — which being read Resolved to concur in said reference.

Mr Keyes reported a bill entitled an act exempting lands belonging to this State from taxation, which was read, passed & ordered to be engrossed & sent to the General assembly for concurrence.

Rec^{d} the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz.— "An act granting relief to John Harris & Timothy Harris; An act appointing a committee to lay out a public road from Court House in Guildhall, County of Essex, to Canada line; An act freeing the body of Clark Haven from arrest & imprison-

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[1] The following elections were made: Hastings Warren, Frederick Smith jr. Brigadier Generals; Richard Skinner Chief Judge of the Supreme Court, James Fisk first and William A. Palmer second side judge of the Supreme Court; John Johnson Surveyor General; James Q. M^{c}Farland Quartermaster General; elder Phineas Peck to preach the then next election sermon, and elder Clark Kendrick substitute.

ment for five years; An act providing for altering a part of Stage Road through Salisbury in the County of Addison; An act freeing Obadiah Eaton from Arrest & imprisonment on civil process &c.; An act confirming the name of George Nelson; An act constituting a company of Riflemen in the town of Chelsea;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} a bill in "addition to the act for the relief of Idiots," with an order to refer it to the joint Judiciary Committee. Concurred.

Mr Swift of the House came into Council Chamber & returned the bill entitled "an act exempting lands belonging to this State & the State Bank [from taxes"] with a proposal of amendment to the title of said bill, which being read Resolved to concur in said proposal of amendment.

Rec^{d} the following engrossed bills, sent up from the house for concurrence & revision or proposals of amendment, Viz.—" An act in addition to an act incorporating certain persons &c. by the name of the River Lamoille Bridge Company; An act for the relief of John Merriam; An act restoring James Lewis to his legal privileges; An act for the relief of Jabez Rogers Jr.; An act defining what shall be deemed Legal evidence in certain cases; An act for the relief of Calvin Fairbanks Jr." which bills were severally Read & Resolved to concur with the House in passing the same into Laws.

Adjourned to 9 O'C. A. M. tomorrow.

Friday Nov. 1st 1816. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petition of L. Hibbard & J. D. Throop was rec^{d} with an order of the House thereon referring it to the joint Military Committee, which being read Resolved to concur in said reference.

Rec^{d} the bills for the relief of Benjamin Sargeant—of Philip Haynes —of Julius Wilcox, with an order of the House on each referring the same to the joint Committee of insolvency, which being read Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay the sums therein mentioned—& the bill to pay George Kimball the sum therein mentioned, with orders of the house on each to refer them to the joint Committee on the petition of Caleb Fitch. Concurred.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz —"An act laying [a tax of] three cents per acre on Kelly Vale, [Lowell;] An act laying 4 cents per acre on Holland; An act granting a tax of three cents per acre on Westfield; An act laying a tax of 2 cents per acre on Philadelphia; An act laying a tax of 3 cents per acre on Walden; An act laying a tax of 4 cents pr. acre on Salem;" which were read & concurred with certain proposals of amendment. Mr Keyes appointed to assign the reasons of amendment to the House.

Adjourned to 2 O'C. P. M.

2 O'C. P. M. — Governor & Council met pursuant to adjournment.

His Excellency ordered the following communication to be sent to the General Assembly:

To the Hon$^{l.}$ William A. Griswold Speaker of House of Repres$^{vs.}$ Sir, —I hereby communicate for the information of the General Assembly

that a vacancy has occurred in the office of Brigadier Gen^{l} 1st Brigade & 4th Division, & also in the 3^{d} Brigade in the same division of the militia of this State. The General Assembly will please to take proper measures to fill said vacancies. I am &c. JONAS GALUSHA.

Rec^{d} the bill to repeal a certain act therein mentioned with an order o the house thereon referring it to the joint Turnpike Committee—which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act directing the Treasurer to pay Ralph Page the sum therein mentioned [with an order of the House referring the same to the Committee on Claims,] which being read Resolved to concur in said reference.

The engrossed bill entitled "an act to provide for the State printing," was rec^{d} sent up from the House for revision & Concurrence, which being read it was Resolved not to concur in passing the same for the following reasons, which were sent to the house in writing with the bill, Viz.

1. The mode heretofore pursued for the Legislature itself to make the contracts for State printing is believed to be a good one, far preferable to the mode contemplated in the bill.

2. It is deemed inexpedient for the Legislature to vest any individual with the sole power of controlling absolutely the important concern of providing for the State printing for the time & manner contemplated in the bill.

3. The numerous & pressing applications which are from time to time made to the Legislature by persons for obtaining contracts for doing the State printing furnish strong reasons why the Legislature should not divest itself of that power & vest the same in a single individual, altho' that individual possesses the confidence of the Legislature.

4. The bill provides that the person authorized to procure the State printing to be done may draw orders on the Treasury to an unlimited amount, not subject to examination or allowance of the auditor of accounts; it is believed that contracts so intimately affecting the fiscal concerns of the State & appropriations for making those contracts ought to be made by the Legislature.

Rec^{d} the following engrossed bills sent up for revision & Concurrence &c. Viz.—"An act laying a tax of 4 Cents per acre on the township of Morgan; An act directing the Treasurer to pay George Worthington the sum therein mentioned; An act making appropriations for the Support of Government the present year," which were read & Resolved to concur in passing the same into laws.

Rec^{d} the bill laying a tax &c. on the town of Minehead [Bloomfield,] with an order referring it to the 2^{d} land tax committee—read & concurred.

Adj^{d} to 8 O'C. A. M. tomorrow.

SATURDAY Novem^{r} 2^{d}, 1816. 8 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr Doolittle was appointed on the Judiciary Committee in the room of Mr Smith who was excused.

Rec^{d} the engrossed bill entitled "an act assessing a tax for the support of Government the present year," which was sent up for revision & Concurrence &c.—which was read & Resolved to concur in passing the same with certain proposals of amendment. Gov. Brigham appointed to assign the reasons for the proposal of amendment.

Rec^{d} the engrossed bill entitled "an act incorporating the Borough of Middlebury," which was sent up from the House for revision & Concur-

rence &c. which being read was passed to become a law, with proposals of amendment.—Governor Brigham was appointed to assign the reasons.

Rec^{d} a resolution directing the Judiciary Committee to prepare a bill to prevent bank bills under one dollar passing—which being read Resolved to concur in passing said resolution.

Rec^{d} from the House the following engrossed bills sent up for revision & Concurrence & proposals of amendment, Viz. "An act to pay James Hutchinson the sum therein mentioned ; An act laying a tax on the County of Essex ; An act for the relief of Joseph Fessenden ; An act authorizing the Treasurer to lease to Levi Hall a tract of land in Fairfield ; An act directing the Treasurer to pay Abel Page the sum therein mentioned ; An act for the relief of Joseph M. Ormsbee ; An act freeing the body of Samuel Briant from arrest & imprisonment ; An act in addition to an act entitled an act reducing into one the several acts for laying out, making & repairing &c. highways ; An act for the relief of Edward S. Meeder ;" which were severally read & it was Resolved to concur in passing the same into Laws.

Rec^{d} a resolution of the House appointing Monday the 4th day of November instant 10 O'C. A. M. a time for both houses to meet in joint committee to elect Brigadier General for 1st Brigade & 4th Division, & also a Brigadier General for 3^{d} Brigade of the same Division of the militia of this State ;" which being read Resolved to concur with the house in passing said Resolution.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met.

Rec^{d} a bill directing the Treasurer to pay Joshua Bostwick the sum therein mentioned, with an order to refer it to the joint Committee of Claims.—Conc^{d}.

Governor & Council proceeded to the choice of Surveyor of public buildings—whereupon the ballots were taken, sorted & counted & it appeared that Joshua Y. Vail had a majority of votes & was declared duly elected.

Rec^{d} the engrossed bill entitled "an act laying a tax of 3 cents pr acre on the township of Worcester," sent up for revision & concurrence or proposals of amendment, which being read Resolved to concur in passing the same into a law with the following proposal of amendment—in the 3^{d} line erase "*three*" & insert "*two*"—also in 9th erase "*Seth Putnam of Middlesex*," & insert "*Thomas Chittenden of Jericho.*" Mr. Chittenden was appointed to assign the reasons.

Rec^{d} from the House the engrossed bill entitled "an act relating to the State printing," sent up for revision & concurrence &c.—which being read Resolved to concur in passing the same with proposals of amendment & Mr. Doolittle was appointed to assign the reasons.

Rec^{d} from the House the following engrossed bills sent up for revision & Concurrence &c.—Viz. "An act granting to Nathan Niles the exclusive right of keeping a Ferry; An act granting to Joseph Mott the exclusive right of keeping a Ferry;" which were read & Resolved to concur in passing the same into Laws.

Adj^{d} to 8 O'C. A. M. Monday next.

Monday November 4, 1816. 8 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the engrossed bill entitled "an act directing process against the Connecticut River Turnpike Company," sent up for revision & concurrence or proposals of amendment—which being read Resolved not

to concur in passing the same for the following reasons, which were returned with the bill in writing to the General Assembly:

1. If the charter contains no express or implied condition or clause of defeasance, the present bill does not create any.

2. If the charter does contain any implied or express condition or clause of defeasance, the Supreme Court have cognizance of the same as incident to their powers; & if any forfeiture is alleged to have occurred, said Court have a right to try the question &, as the case may be, decree a forfeiture & vacate said charter, without the aid of a special act.

3d If, as is suggested, the State's Attorney for Windsor County is from interest or other causes disqualifyed to become prosecutor, the act of 23d of October 1797, reciting the mode of taking forfeitures of grants & charters, has provided for such case by giving the right to any other person to become prosecutor on complying with the requisitions of that act.

4. The whole case contemplated in the bill is amply provided for by the general act of 23d of October 1797.

Recd the engrossed bill entitled "an act directing the Treasurer to pay James Andrews the sum therein mentioned," sent up for revision &c.—which was read & passed into a Law.

Gov. & Council met the House in joint Committee to complete county appointments & after progress the Committee adjourned to 9 O'C. A. M. tomorrow.

The Governor & Council with the House [went] into joint Committee to elect Brigadier Generals, which being elected the Gov. & Council returned to their Chamber.[1]

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met.

Recd the bill freeing the body of Jacob F. Dodge from arrest and imprisonment for the term of two years, with an order of the house thereon referring it to the joint Committee of Insolvency. Concurred.

Recd the bill for the relief of Canaan with an order to refer it to the Committee of Claims—which being read Resolved to concur in said reference.

The petition of William Allen, a convict of State's prison, was read, praying for pardon, & on the question Shall the prayer be granted? the Yeas & Nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Keyes, Butler, Wright, Smith, Bliss, Cahoon, Stanley, Chittenden, Doolittle, Peaslee, Crawford & Hammond. *Nays* none. So the prayer was granted.

Recd the bill for the relief of Talitha Burnham with an order to refer it to the joint Committee raised on her petition—which was read & Resolved to concur in said reference.

Recd the bill concerning field officers of Militia with an order of the House referring it to the joint Military Committee.—Concurred.

Recd the following engrossed bills sent up for revision & Concurrence or proposals of amendment, Viz.—"An act in addition to an act incorporating certain persons therein mentioned by the name of the White River Turnpike Company; An act for the relief of Timothy Hinman; An act restoring John Mosher to his legal privileges; An act restoring Mark Record to his legal privileges; An act appointing a committee to lay out a road from Middlebury northward &c.; An act repealing a part of an act therein mentioned; An act suspending civil process against James Sawyer; An act freeing the body of Philip Haynes from arrest

[1] Lovell Hibbard and Richard W. Fenton were elected.

& imprisonment & his property from attachment ; An act laying a tax of three cents per acre on Minehead [Bloomfield ;] An act for the relief of Jabez Luther ; An act for the relief of Julius Wilcox ; An act for the relief of Benjamin Sargeant ; An act restoring John G. Woodward to his legal privileges ; An act appropriating the rents of the Glebe Lands in Pawlett for the purposes therein mentioned ; An act authorizing the select men of Swanton, Fairfield & St. Albans to establish a Jurisdictional line between said towns ; An act laying a tax of three cents pr. acre on Northfield ;" which were severally read & it was Resolved to concur in passing the same into laws.

[Adjourned until tomorrow morning.]

TUESDAY Nov. 5, 1816. 9 O'C. A. M.

Governor & Council met &c.

Rec^{d} a message in writing that the General Assembly had concurred in the proposals of amendment made by the Governor & Council to the following bills—Viz.—" An act for the support of Government; An act laying a tax of two cents pr. acre on the town of Philadelphia; An act laying a tax of three cents pr. acre on the town of Walden; An act laying a tax of three cents pr. acre on Kelly Vale [Lowell;] An act granting a tax of three cents pr. acre on the town of Westfield; An act laying a tax of four cents pr. acre on the town of Salem; An act providing for the State printing; An act laying a tax of three cents pr. acre on the township of Worcester; An act constituting a company of Cavalry in the towns of Cavendish, Ludlow & Chester."

Rec^{d} the engrossed bill entitled "an act directing the Treasurer to pay Alex^{r}. Hutchinson the sum therein mentioned," sent up for revision & Concurrence, which being read Resolved to concur with the House in passing the same into a Law.

Rec^{d} the engrossed bill sent up for revision & concurrence &c. entitled "an act discharging the person of Joseph Carter Jr. from arrest & imprisonment;" which being read, thereupon resolved not to concur in passing the same into a Law, for the following reasons—Viz.

1. No bill of this kind ought to pass unless it shall fully appear that the past conduct of the individual has been such as is justifyed by the rules of morality & prudence. Should the Legislature deviate from this Rule, imprudence & prodigality would receive encouragement.

2^{d}. That the individual whose benefit is intended is not shewn to be a proper subject for the relief contemplated in the bill; which reasons were sent to the General Assembly in writing.

The engrossed bill entitled an act in amendment of "an act for regulating & governing the militia of this State," was sent up from the house for revision & concurrence &c.—which being read Resolved not to concur with the house in passing the same, for the following reasons—Viz.—

1. The act now in force furnishes the militia officers with ample powers to correct the evils, if any exist, intended to be remedied by the bill.

2^{d}. The defect, if any exist, is not in the laws now in force but in the officers entrusted with the execution of that Law; if the officer entrusted with the execution of a law become remiss & suffers that law to be violated, the remedy in such case is not to be found in the enacting of a new law but in the disposition & faithfulness of the officer to do his duty.

3^{d}. The law now in force is sufficient, if executed according to the spirit of it.

4. The passing of the present bill would likely & almost inevitably create collisions between the civil & military officers of dangerous tendency.

5. Should the present bill pass into a Law it would be difficult if not impossible to carry it into effect.

6. It is more properly the business of the military than the civil authority to correct the evil, if any exist, contemplated in the bill.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz. "An act to prohibit the circulation of bills under one dollar; An act laying a tax on the County of Orleans; An act for the relief of Peru Turnpike Company; An act granting a ferry to Curtiss Holgate; An act in alteration of an act incorporating certain Turnpike Companies in the western Counties in this State; An act in addition to an act entitled an act regulating fees; An act repealing a certain Section & clause of a Section of an act entitled an act in addition to the several acts for governing & regulating the militia &c.; An act directing the Treasurer to pay the sums therein mentioned; An act directing the Treasurer to pay the sum therein mentioned; An act directing the Treasurer to pay Harry Hale the sum therein mentioned; An act directing the Treasurer to pay Joseph Bostwick the sum therein mentioned; An act annexing part of Salem & Coventry to Newport; An act in addition to an act regulating Town meetings &c.; An act to repeal a part of the first Section of an act therein named; An act for the relief of Talitha Burnham; An act concerning field officers of the militia; An act in addition to an act regulating fees; An act providing for the sitting of the Supreme Court in Orleans County & for other purposes; An act appointing a Collector of a land tax on the town of Coventry; An act in alteration & amendment of an act entitled an act making further provisions in the Judiciary department; An act regulating & directing the measure of charcoal, lime & ashes," which were severally read & it was Resolved to concur in passing the same into Laws.

Adjourned to 7 O'Clock A. M. tomorrow.

Wednesday November 6, 1816. 7 O'C A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the engrossed bill entitled "an act altering the time of the Session of the County Courts in the Counties therein mentioned," which was sent up for revision & Concurrence or proposal of amendment —which being read Resolved to concur in passing the same with the following proposals of amendment—viz.—in 11th line of 1 Sec. erase the word "*first*" & insert "*second;*" in the 14th line of same section erase "*second*" & insert "*first.*" Mr. Cahoon appointed to assign the reasons.

Rec^{d} the following engrossed bills sent up from the General Assembly for revision & Concurrence or proposals of amendment—viz.—"An act to allow the Treasurer the sum therein mentioned;" which [was] read & concurred. "An act in addition to an act defining the powers of Justices of the peace within this State," which was read & amended & passed to become a law. Mr Cahoon appointed to assign the reasons to the House.

Rec^{d} the engrossed bill entitled "an act in addition to an act for the probate of Wills & the settlement of testate & intestate estates" &c. which was sent up from the House for revision & concurrence &c.

which being read it was thereupon Resolved to concur in passing the same into a Law.

Sent down a resolution of Council to the House to lay over [to the next session] the bill entitled "an act providing for the Government of the State's Prison," &c. which was nonconcurred by the house & returned. The bill engrossed, which had been sent up for revision & concurrence &c. was now taken up, entitled "an act providing for the Government & management of the State' Prison & for repealing" &c., & read & Resolved to concur in passing the same with proposals of amendment, & Mr Cahoon was appointed to assign the reasons to the House.

Rec^{d} a Resolution from the House appointing 7 O'clock this day for both houses to meet and adjourn the Legislature without day; which being read the same was concurred with a proposed amendment by erasing "7 *O'C. A. M.*" & inserting "1 *O'C. P. M.*"

Rec^{d} notice from the House that they had concurred in the aforesaid proposal of amendment.

The following debenture of the Lt. Governor & Council was made up & ordered to be entered on the Journal:

Names.	Miles Travel.	Amt. Travel.	No. Days	Amt of Atten'ce.	Amt of Deb.
Gov. Brigham	44	5 28	28	112 00	117 28
Councillors					
E. Keyes	42	5 04	28	42 —	47 04
J. Wright	130	15 60	28	42 —	57 60
E. Butler	11	1 32	28	42 —	43 32
P. Smith	74	8 88	24	42 —	44 88
F. Bliss	55	6 60	28	42 —	48 60
W. Cahoon	44	5 28	28	42 —	47 28
T. Stanley	32	3 84	28	42 —	45 84
T. Chittenden	30	3 60	28	42 —	45 60
J. Doolittle	60	7 20	28	42 —	49 20
D. Peaslee	15	1 80	28	42 —	43 80
T. Crawford	103	12 36	28	42 —	54 36
T. Hammond	72	8 64	22	33 —	41 64
J. Tarbox	22	2 64	2	3 —	5 64
W. Hunter	64	7 68	2	3 —	10 68
M. Richards	95	11 40	2	3 —	14 40
Sheriff C. Keith	7	84	28	42 —	42 84
Secretary R. C. Mallary	70	8 40	28	70 —	78 40
Amount	970	116 40		722	838 40

Rec^{d} a resolution appointing 12 O'C. this day for both houses to meet to elect Superintendent of State's Prison & Directors of State Bank—which being read Resolved to concur in said resolution.

Rec^{d} a message in writing that the General Assembly had concurred in the several proposals of amendment made by Council to the following bills & resolutions—Viz.—"An act relating to the Waltham Turnpike Road; An act providing for the government & management of State's Prison; An act altering the Session of the County Courts &c.; An act defining the powers of Justices of the peace; An act for the relief of Timothy Hinman; An act incorporating the Borough of Middlebury; An act laying a tax of 4 cents pr. acre on Sutton."

The Governor & Council proceeded to the Representatives' Room & met the House in joint Committee to elect Superintendent of State's Prison & Directors of State Bank agreeably to resolution of both Houses; which being completed the Governor & Council returned to their Chamber.

The time having arrived for both houses to meet to adjourn the Legislature, the Governor & Council met the General Assembly in the Representatives' room & after an address to the Throne of Grace by the Reverend Chaplain of the House, the Legislature adjourned without day.

I hereby certify that the foregoing from page 299 to page 386 inclusive [of manuscript Journals, Vol. 7,] is a true journal of the proceedings of the Governor & Council of the State of Vermont at their October Session 1816. Attest R. C. MALLARY, *Secretary.*

FORTY-FIRST COUNCIL.

OCTOBER 1817 TO OCTOBER 1818.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

ELIAS KEYES, Stockbridge,
EZRA BUTLER, Waterbury,
FREDERICK BLISS, Georgia,
PLINY SMITH, Orwell,
WILLIAM CAHOON, Lyndon,
JOEL DOOLITTLE, Middlebury,
TRUMAN CHITTENDEN, Williston,
TIMOTHY STANLEY, Greensboro',
DANIEL PEASLEE, Washington,
THOMAS HAMMOND, Pittsford,
THEOPHILUS CRAWFORD, Putney.
DAVID FAY, Bennington.

ROLLIN C. MALLARY, Castleton, *Secretary.*
CHAPIN KEITH, Barre, *Sheriff.*

BIOGRAPHICAL NOTICE.

DAVID FAY, the youngest son of Stephen Fay, and brother of Jonas Fay, was born in Hardwick, Mass., Dec. 13 1761, and came to Bennington with his father in 1766. Though less than sixteen years of age, he was in the battle of Bennington as one of Capt. Samuel Robinson's company. He was admitted to the bar in 1794; Member of the Council of Censors in 1799; State's Attorney four years previous to 1801; U. S. Attorney for the District of Vermont 1801 to 1809; Judge of the Supreme Court 1809 until 1813; Judge of Probate 1819–20, and Councillor 1817 until 1821. He died June 5 1827, leaving no descendants. *Vt. Hist. Magazine*, Vol. I, title Bennington; and *Vt. Legislative Directory*, 1876–7.

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[1] Resigned Nov. 6, 1817.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER, 1817.

STATE OF VERMONT ss.—Journal of the proceedings of the Governor & Council of the State of Vermont begun & held at Montpelier in said State on the second thursday of October (being the 9th day of said month,) in the year, one thousand, eight hundred & Seventeen. Present—His Excellency Jonas Galusha, Governor; His Honor Paul Brigham, Lt. Governor; The Honorable Pliny Smith, William Cahoon, Thomas Hammond, Frederick Bliss, Timothy Stanley, Theophilus Crawford, Daniel Peaslee, Truman Chittenden, Members of the Council; Rollin C. Mallary Secretary; Chapin Keith Esqr Sheriff of Washington County.

Mr. Olin of the General Assembly came into Council Chamber & informed the Governor & Council that the General Assembly had convened & were ready to proceed to business, & he withdrew.

Ordered that the Secretary inform the General assembly that a quorum was formed in Council & that they were ready to proceed to business.

On motion of Gov. Brigham a committee of three members of Council were appointed to join such committee as the General Assembly might appoint to receive, sort & count the votes for Governor, Lt. Governor, Treasurer & Councillors for the year ensuing. Messrs. Smith, Cahoon & Chittenden were appointed & sworn.

Mr Buck of the House of Representatives came into Council Chamber & informed the Governor & Council that the General assembly had appointed on their part a Canvassing Committee to join such Committee as the Governor & Council might appoint.

Ordered that the Secretary inform the General Assembly that they on their part had appointed a Committee to join the Canvassing Committee appointed on the part of the House.

Adjourned to 4 O'C. P. M.[1]

4 O'C. P. M.—The Governor & Council met pursuant to adj[t].

The Hon[l]. Elias Keyes & Ezra Butler appeared in Council Chamber & took their seats as Councillors.

Mr Luce of the General Assembly came into Council Chamber & gave notice that the house had convened & were ready to meet the Governor & Council to hear the report of the Canvassing Committee. Thereupon the Governor & Council proceeded to the Representatives' room & there met the General assembly, when the following report of the Canvassing Committee was read:

To the Honorable the General Assembly now sitting—The committee appointed to receive, sort & count the votes for Governor, Lt. Governor, Treasurer & Councillors for the year ensuing, do report & declare that His Excellency Jonas Galusha is elected Governor, The Hon. Paul

[1] The election sermon was preached by Rev. Phineas Peck.

Brigham Lieutenant Governor, & Benjamin Swan Treasurer—And that the Hon$^{l.}$ David Fay, Theophilus Crawford, Pliny Smith, Thomas Hammond, Elias Keyes, Joel Doolittle, Daniel Peaslee, Truman Chittenden, Ezra Butler, William Cahoon, Frederick Bliss & Timothy Stanley are elected Councillors for the year ensuing.

Attest PLINY SMITH, *Chairman.*
JOHN H. COTTON, *Clerk.*

Which being read, the Sheriff of Washington County made proclamation of said appointments & the Governor & Council returned to their Chamber & adjourned to 9 O'C. A. M. tomorrow.[1]

FRIDAY October 10, 1817. 9 O'C. A. M.

Governor & Council met agreeably to adjournment. Present — His Honor Paul Brigham Lt. Gov., Hon$^{l.}$ Elias Keyes, Frederick Bliss, Truman Chittenden, David Fay, Pliny Smith, Thomas Hammond, William Cahoon, Timothy Stanley, Daniel Peaslee, Joel Doolittle, Ezra Butler, & Theophilus Crawford of the Council.

His Honor the Lt. Governor & the above named Councillors repaired to the Representatives' room, to whom the oaths of office & allegiance were administered by the Hon$^{l.}$ James Fisk assistant Judge of the Supreme Court—who thereupon returned to the Council Chamber & subscribed the oaths required by the Constitution of this State.

Mr Graves of the House of Representatives came into Council Chamber & notifyed the Governor & Council that the House had organized, by appointing the Hon$^{l.}$ William A. Griswold Speaker, William D. Smith Esq^{r} Clerk & William Slade Jr Esqr Secretary of State.

Rec^{d} a resolution from the General Assembly appointing 2 O'C. P. M. this day a time for both houses to meet in the representatives' room to elect a chaplain for the present session, which being read it was Resolved to concur in said resolution.

The Secretary was directed by his Excellency the Governor elect to inform the General Assembly that he will attend in the Representatives'

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[1] The *Vermont Intelligencer & Bellows Falls Advertiser* of Oct. 27 1817 gave the votes for Governor as follows:

Counties.	*Galusha.*	*Tichenor.*
Washington	784	455
Orleans	398	296
Essex	221	100
Grand Isle	123	200
Chittenden	675	566
Windham	1327	1622
Orange	1679	398
Addison	1019	738
Rutland	1865	774
Franklin	823	700
Windsor	2709	585
Bennington	1105	646
Caledonia	1018	337
	13756	7430

Majority for Gov. Galusha, 6326. For Lieut. Governor Paul Brigham had 13307, and Wm. Chamberlain 7748—majority for Brigham, 5559.

room at 2 O'C. P. M. of this day to receive the oaths of office & make the executive communication—which the Secretary performed.

Adj[d] to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

His Excellency Jonas Galusha, Governor elect, & the Lt. Gov. & Hon. Council proceeded to the Representatives' room, where the Governor took the several oaths prescribed by [the] laws & then made the following Speech.[1]

Both houses now united in joint committee pursuant to concurrent resolution to elect a Chaplain for the present session—the Votes being sorted & counted it appeared that the Rev[d] Phinehas Peck was duly elected.

The Governor & Council returned to their Chamber when His Excellency subscribed the oaths of office according to the Constitution.

His Excellency the Governor was pleased to appoint Rollin C. Mallary Secretary for himself & Council for the year ensuing — who was thereupon duly sworn to the faithful discharge of the duty of said office.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY October 11, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The Petitions of Henry Smith, Joseph Whitney, Daniel W. Slaid, Jacobus Rockfellow, John Louks, Benjamin Law, Uriah Sutton, Selah Hicox, Emery Marble, Russel R. Lewis, John Dean, Walter Towner, Levi Noble—convicts in the State prison praying for a pardon—were severally read & dismissed.

The petition of Samuel I. Mott, a convict in the State prison—praying for a pardon—was read & on the question Shall the prayer thereof be granted? the yeas & nays were called for & taken as follows,—Viz. *Yeas*, Messrs. Fay, Keyes, Smith, Hammond, Doolittle, Butler, Chittenden, Cahoon & Stanley; *Nays*, Messrs. Crawford, Peaslee, — so the prayer was granted & a pardon issued accordingly.[2]

Adjourned to 9 O'C. A. M. Monday next.

MONDAY October 13, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petitions of Jacob Brown & John Johnson, convicts of State's prison, read & dismissed.

The petition of George Geer, a convict of State's prison praying for a pardon, was read & on the question Shall the prayer thereof be granted? the yeas & nays were taken as follows Viz.—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Keyes, Smith, Hammond, Doolittle, Chittenden, Peaslee, Bliss, Cahoon & Stanley—*Nays* none—so the prayer was granted & a pardon issued accordingly.

Rec[d] a resolution appointing 4 O'C. P. M. tomorrow a time for both houses to meet in County Conventions to nominate County officers &

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[1] For the speech see *Appendix* A.

[2] Mott had been sentenced for a term of ten years in the State prison, in Jan. 1809, for manslaughter in the matter of the Black Snake, a smuggling vessel.—See Vol. v, p. 476.

the opening of the house Wednesday morning to meet in joint Committee to elect such officers — which being read Resolved to concur in passing said resolution.

Rec^{d} notice from the Gen^{l} Assembly that according to the rules of that body the following committees were raised to join from Council — Viz.—1st A committee of 4 members to be denominated the Military Committee—Mr Cahoon app^{d} to join. 2^{d} A committee of 4 members to be denominated the Judiciary Committee — Mr Fay app^{d} to join. 3rd A committee of 4 members denominated the Committee of Claims — Mr Butler app^{d} to join. 4 A committee of 4 members denominated the Turnpike Committee—Mr Keyes app^{d} to join. 5 A committee of 4 members denominated the Committee of insolvency—Mr Hammond appointed to join. 6th A committee of 4 members denominated a Committee of Manufactures—Mr Smith appointed to join. 7. A committee of 4 members denominated the committee of new trials—Mr Doolittle appointed. 8 A committee of 4 members denominated the land tax Committee—Mr Chittenden appointed. 9 A committee of 4 members denominated a committee on Agriculture—Mr Peaslee appointed.

Rec^{d} a resolution of the General Assembly directing the judiciary Committee to enquire into the expediency of appointing a reporter of the decisions of the Supreme Court, which was read & Resolved to concur in said resolution.

Rec^{d} the petitions of Daniel Beckwith, William Claflin & of Moses Lyon with an order of the General Assembly on each referring the same to the joint Committee of New Trials, which being read, Concurred to refer.

Rec^{d} the bill directing the Treasurer to pay Ralph Paige the sum therein mentioned, & the Petitions of Asa Cole, Jonathan Fassett, Benjamin Fay, of Wells Heath, of David Curtiss, of Selectmen of Alburgh, of Linus Crampton, of Frye Bayley, of Jeremiah Brown, with an order of the House on each referring the same to the joint Committee of Claims—which were severally read & concurred.

Rec^{d} the petitions of James Mittimore, of Silas Hathaway, Ebenezer Phelps, of Ichabod Peck, an act for the relief of William Barton, of John Hazelton, of Harry Whiting [Whitney,] of Joseph Ellis, of Anthony Jones, of William Nickols 2$^{d.}$ of David Hatch, of James Johnson, of Lavius Fillmore & Sons, of Elisha Kingsley, of Abner Harlow, of Abiel Twiss, with an order of the house on each referring them to the joint Committee of insolvency, which being read it was Resolved to concur in said reference.

Rec^{d} the petitions of Berkshire, of Kirby, of Waterford, of Montgomery, of Stamford, of Plymouth, An act reviving an act laying a tax on Richford, with an order of the house on each referring the same on [to] the joint land tax Committee—which being read it was Resolved to concur with the House in said reference.

Rec^{d} the memorial of William Slade & others, of Samuel Mattocks, An act to repeal an act therein mentioned, Petition of inhabitants of Bridport, with an order of the house on each to refer the same to the judiciary Committee, which being read Resolved to concur with the Gen$^{l.}$ Assembly in said reference.

Rec^{d} the bill entitled an act for regulating & governing the militia of this State, Petition of the Captain of the Washington Artillery Company, Petition of sundry militia officers for a revision of Militia Laws, Petition of Hubbard Throop, with an order of the House referring them to the joint military Committee, which being severally read Resolved to concur in the said reference.

Rec^{d} the Petition of Fairhaven Turnpike Company, of Inhabitants of

Newport for a committee to lay out a road, Pet. of Samuel A. Willard, of Inhabitants of Swanton, Petition for a Turnpike Company in Windham County, with an order of the house on each referring them to the joint Turnpike Committee, which being read it was thereupon Resolved to concur in the said reference.

Rec^{d} the bill entitled an act Incorporating the President & Directors of the Bennington County Mining, Smelting & refining Company, with an order to refer it to the joint manufacturing Committee, which being read Resolved to concur in said reference.

The petition of John Luck, a convict of State's Prison praying for a pardon, was read & on the question Shall the prayer thereof be granted? the yeas & nays were called for & taken as follows—Viz.—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Keyes, Smith, Hammond, Doolittle, Chittenden, Peaslee, Bliss, Cahoon, Stanley—*Nays*, none—so the prayer was granted & a pardon issued accordingly.

On motion & leave Mr. Fay introduced the following resolution—Resolved that in granting of all Pardons of State Prisoners the pardon shall be considered a limited pardon under the direction of the Governor & Council—Which said resolution being read & considered was adopted.

The petition of Benjamin Abbott, a convict of State's prison praying for pardon, [was read] & on the question Shall the prayer thereof be so far granted as to release him from further imprisonment & further pecuniary claims? the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Keyes, Smith, Hammond, Doolittle, Butler, Chittenden, Peaslee, Bliss, Cahoon, & Stanley—*Nays*, none—so the prayer of said petition was granted & a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The petition of John N. Cunningham, a convict in State's Prison praying for a Pardon, [was read] & on the question Shall a full pardon be granted? the yeas & nays were called for & taken as follows—Viz.—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Keyes, Smith, Hammond, Doolittle, Butler, Chittenden, Peaslee, Bliss, Cahoon & Stanley—*Nays* none—So the prayer was granted & a pardon issued accordingly.

The petition of John Church Jr., a convict in the State's prison praying for a pardon, [was read] & on the question Shall a pardon be granted? the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Crawford, Doolittle, & Cahoon—*Nays*, Messrs. Fay, Keyes, Smith, Butler, Chittenden, Peaslee & Stanley—Yeas 4, Nays 7—so the prayer was not granted.

Adj^{d} to 9 O'C. A. M. tomorrow.

Tuesday Oct. 14, 1817. 9 O'C. A. M.

Gov. & Council met pursuant to adjournment.

The petition of the University of Vermont was rec^{d} with an order of the Gen^{l} Assembly referring it to a Committee of [consisting of] a member of each County to join. Concurred & Gov. Brigham was appointed.

The petition of Charles Y. & Betsy P. Chase was rec^{d} with an order referring it to a committee of 3 to join—which being read it was Resolved to concur in the above reference.

The petition of Peter & Betsy Wilcox was rec^{d} with an order to refer it to the joint committee on the petition of Charles Y. & Betsy [P.] Chase, which was read & Concurred.

Rec^{d} the bill entitled an act appointing a Committee to alter the County road leading from the south line of Burke to Canada line with an order to refer it to a committee of three to join, which being read it was Resolved to concur in said reference.

Rec^{d} the petition of John Haynes with an order to refer it to a committee of three to join from Council—which being read it was Resolved to concur in said reference & Mr. Stanley was appointed.

Rec^{d} the bill entitled an act directing the treasurer to pay Micajah Ingham the sum therein mentioned with an order to refer it to a committee of 4 to join from Council—which being read it was Resolved to concur in said reference, & Mr Keyes was app^{d} to join from Council.

Rec^{d} the petition of John Morrison & others, of Rebecca Dennett, of Jeremiah Virginia & of Daniel Goss, with an order of the house on each referring the same to the joint committee on the bill in favor of Micajah Ingham, which being read it was Resolved to concur in said reference.

The petition of sundry inhabitants of Brookline was rec^{d} with an order of the house to refer it to a Committee of 4 to join—which being read it was Resolved to concur in said reference & Mr Keyes was appointed.

Petition of Inhabitants of Roxbury & Brookfield was rec^{d} with an order of the house to refer the same to a committee of 4 to join, which being read it was thereupon Resolved to concur in said reference.

Rec^{d} the remonstrance of sundry inhabitants of Brookfield with an order of the house referring the same to the joint Committee on the pet. of Roxbury & Brookfield—which being read it was Resolved to concur in said reference.

Rec^{d} from the house the petition of Israel Ide Jr. & others with an order of the General Assembly thereon referring the same to a committee of three to join—which being read it was Resolved to join said Committee & Mr Crawford was app^{d}.

The petition of Zatter Butterfield was rec^{d} with an order of the house referring it to the joint Com^{ee} on the petition of Israel Ide Jr. & others, which being read it was thereupon Resolved to concur in said reference.

The petition of Joseph Weeks was rec^{d} with an order of the house thereon referring it to the joint Committee of Claims—which being read it was Resolved to concur in said reference.

Rec^{d} a resolution appointing a committee to join to consider the subject of making further compensation to the judges of the Supreme Court—which being read Resolved to concur in passing said resolution & Mr Smith app^{d}.

Rec^{d} the bill en^{d} an act in addition to an act &c. defining what &c. a legal settlement &c. of the poor &c. with an order of the house to refer the same to a Committee of 4 to join. Concurred to join & Mr Fay appointed.

Rec^{d} the petitions of Silas Lovell, James Sawyer, Walter Sessions, Henry Gould, William Morrison, Timothy Knight, George Trow, Joseph Watson, Timothy Pearl, Timothy Matthews, Elias Hill & Avery Dennison, with an order of the House on each referring the same to the joint Committee of insolvency—which being severally read Resolved to concur with the General Assembly in said references.

The petition of inhabitants of Windham County for a Bank was rec^{d} with an order of the house to refer it to a member of each county to join —which being read it was Resolved to concur in said reference. Mr Fay was app^{d}.

Rec^{d} the Bills, one an act incorporating a bank at Burlington & the other incorporating a bank at Windsor, with an order of the house on

each referring the same to the joint Committee on the petition of Inhabitants of Windham County for a bank, & being read Concurred to join.

Rec^{d} the bill entitled an act appropriating the real & personal property of this State for the use of Schools, with an order to refer the same to a member from each county to join—which being read it was Resolved to concur in said reference—Mr Smith app^{d} to join.

Rec^{d} the act to provide for an additional volume of the laws of this State with an order of the House to join—a committee of 4 being appointed on the part of the house—which being read it was Resolved to concur in said reference & Mr Chittenden was app^{d}.

The petition of the Select men of Albany was rec^{d} with an order of the house to refer the same to a committee of three to join—which being read it was Resolved to concur in said reference & Mr Doolittle was app^{d}.

Rec^{d} the bill entitled an act laying a tax on the Town of Braintree, with an order to refer it to a committee of 4 to join—which being read it was Resolved to concur in said reference & Mr Bliss was app^{d}.

Rec^{d} the petition of Samuel Parkman with an order to refer it to a committee of 4 to join—which was read & it was Resolved to concur in said reference & Mr Cahoon was app^{d}.

The petition of James H. Nichols was rec^{d} with an order to refer it to the joint Committee on the Petition of Samuel Parkman, which was read & concurred to join above committee.

The petition of John L. Dickinson & others was rec^{d} with an order of the House to refer it to the joint Com^{ee} of Manufactures, which being read it was Resolved to concur in said reference.

The petition of Warren Kendall & others was rec^{d} with an order to refer it to the joint Military Committee, which being read it was Resolved to concur in said reference.

Rec^{d} the petition of Joseph Weeks with an order to refer to the joint Committee of Claims—read & concurred to refer.

Rec^{d} the bill entitled an act to prohibit the circulation of bills not payable in specie, with an order of the house to refer the same to the Judiciary Committee—which being read Resolved to concur in said reference.

Rec^{d} the petition of Topsham for a land tax with an order of the House referring the same to the joint land tax committee, which being read it was Resolved to concur in said reference.

Rec^{d} the Petition of the Town of Barnet with an order to refer to the judiciary Committee—which was read & Resolved to concur in said reference.

Rec^{d} the petition of Jabez Delano with an order to refer the same to the joint Committee of insolvency—which being read it was resolved to concur in said reference.

Rec^{d} the petition of Martin Wood with an order of the house referring the same to the joint Committee of Claims—which being read it was Resolved to concur in said reference.

Rec^{d} the petition of Christopher Webber & others with an order of the House referring the same to the joint Turnpike committee—which being read Resolved to concur in said reference.

Rec^{d} the petition of Jacob Blanchard & others with an order to refer it to the joint Military Committee—which being read it was Resolved to concur in said reference.

Rec^{d} the petition of N. P. Fletcher, with an order to refer the same to the joint Military Committee, which being read it was Resolved to concur in said reference.

The petition of the overseers of Whiting was rec^{d} with an order of the

House referring the same to a com^ee^ of 3 to join from Council—which being read it was Resolved to concur in said reference & Mr Stanley was app^d^.

The petition of Joshua Moore 2^d^ was rec^d^ from the Gen^l^ Assembly with an order thereon referring the same to the joint Committee on the Petition of Samuel Parkman—which being read it was Resolved to concur in said reference.

The petition of Inhabitants of Orleans County was rec^d^ with an order of the House thereon referring the same to a committee of 3 to join, which was read & Resolved to concur with the house in said reference, & Mr Cahoon was appointed.

The petition of Inhabitants of Coventry, & the Petition & remonstrance of Inhabitants of Coventry were rec^d^ with an order to refer the same to the joint Committee on the petition of Inhabitants of Orleans County—which being read it was Resolved to concur in said reference.

Rec^d^ from the General Assembly a resolution directing the Military Committee to enquire if any & what provision ought to be made by law for publishing & distributing the militia laws—which being read Resolved to concur in passing the foregoing resolution.

Rec^d^ a resolution directing the judiciary Committee to enquire into the propriety of prohibiting, by law, Sheriffs from selling their deputations—which was read & Resolved to concur in passing said resolution.

Rec^d^ a resolution of the house raising a committee of 4 members to join from Council to examine the several acts for laying out, making & repairing highways—which being read it was Resolved to concur in passing this resolution ; Governor Brigham was appointed to join.

The petition of William R. Down, a convict of State's prison praying for pardon, was read & dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

His Excellency the Governor directed the Secretary to deliver the following Communication to the General Assembly—

Hon^l^ William A. Griswold, Speaker of the House of Representatives: Sir,—For the information of the General Assembly, I communicate to you that Brigadier General A. Barney of the 1^st^ Brigade & 1^st^ division of the Militia of this State & Brigadier General David Leavitt of the 2^d^ Brigade & same division have resigned their commissions, & the said offices have become vacant. The General Assembly will please to take proper measures to fill the vacancies thus occasioned. I am, Sir, &c.

JONAS GALUSHA.

The petition of Samuel Stevens, a convict of State's prison, praying for a pardon, was read & on the question Shall a limited pardon be granted under the rule of Council ? the yeas & nays were called for & taken as follows—*Yeas*, Messrs. Keyes, Smith, Hammond, Doolittle, Chittenden, Butler, Bliss, Cahoon, & Stanley—*Nay*, Mr. Peaslee—so the prayer was granted & a pardon issued accordingly.

The petitions of Clark Fitts, John Merriam, William Fisk, Benjamin Heart,[1] Gilbert Bradley, Nathan Pike, Truman Powell, Rufus Powell, were rec^d^ with an order of the General Assembly on each referring the same to the joint Committee of insolvency—which were respectively read & Resolved to concur in said reference.

Rec^d^ from the House a bill respecting bridges with an order thereon to refer the same to the joint committee on the resolution relating to Highways—which was read & Resolved to concur in said reference.

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[1] Heath in the *Assembly Journal.*

Rec^{d} the petitions of Reading—of Burke—of Newark with an order to refer the same to the joint committee on the petition of inhabitants of Orleans County, which being read Resolved to concur with the house in said reference.

The petition of the proprietors of the Locks at Bellows Falls was received with an order of the house thereon referring the same to a committee of three to join from Council—which being read Resolved to concur in said reference & Gov. Brigham was appointed.

The petition of Elisha Brown was rec^{d} with an order of the house referring it to the joint committee on the petition of Charles Y. & Betsy Chase—which being read Resolved to concur in said reference.

The petition & remonstrance of Nathan Cleaves was rec^{d} with an order of the house referring the same to the Judiciary Committee—which being read Resolved to concur in said reference.

The petition of the Columbian Band & of the 4th Company of Cavalry 1st Brigade & 2^{d} Division [received] with an order to refer the same to the joint Military Committee—which being read Resolved to concur in said reference.

The petitions of the Select men of Lyndon—of Hardwick, Burke & Glover were rec^{d} with an order of the house to refer the same to the joint land tax Committee—which being considered Resolved to concur in said reference.

The petition of the overseers of the poor of Danby was rec^{d} with an order of the house to refer the same to the joint committee on the petition of overseers of the poor of Whiting, which being read, Resolved to concur in said reference.

Rec^{d} the petitions of Pitt W. Hyde & Jon$^{a.}$ Hoyt Jr. with an order of the house on each to refer the same to the joint Committee of Claims—which being read Resolved to concur in said reference.

Rec^{d} the petition of Sewall Cutting with an order to refer the same to a Committee of four to join—which being read it was thereupon Resolved to concur in said reference & Mr Stanley was appointed.

The petition of the Center Turnpike Company was rec^{d} with an order of the house to refer the same to the joint Turnpike Committee—which being read Resolved to concur in said reference.

The petition of Samuel Benham, a convict of State's prison, was read & on the question Shall the prayer thereof be so far granted as to remit all further confinement & pecuniary claims? the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Hammond, Doolittle, Butler, Chittenden, Peaslee, Bliss, Cahoon & Stanley—*Nays*, Messrs. Keyes & Smith—so the prayer was granted & a pardon issued accordingly.

The petition of J. P. Hill, a convict of State's prison, was read & on the question Shall the prayer thereof be so far granted as to remit further imprisonment & pecuniary claims? the yeas & nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Smith, Hammond, Doolittle, Butler, Chittenden, Peaslee, Bliss, Cahoon & Stanley—*Nay*, [Mr.] Keyes—so the prayer was granted & a pardon issued accordingly.

Adjourned to 9 O'C. A. M. tomorrow.

WEDNESDAY, October 15, 1817. 9 O'C. A. M.

Governor & Council met.

The Governor & Council proceeded to the Representatives' room & met the house in joint Committee to make the annual county appointments & after progress the joint Committee adjourned to Wednesday

next 2 O'C. P. M. And the Governor & Council returned to their Chamber & resumed the consideration of business.

Mr Chittenden excused from the Committee on the bill providing for an additional volume of the laws & Mr. Bliss appointed in his room.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the petition of Asa Hall & others with an order of the house to refer the same to a committee of 4 members to join—which being read Resolved to concur in said reference & Mr Crawford appointed.

Rec^{d} the petition of Samuel & Charles Brewster, of Sam^{l} Fargo, of Ja^{s}. O. Walker, of John Ambler, of George Small, of Sarah Thompson, of Inhabitants of Huntington, of Nathan Smith, with an order on each referring the same to the joint Committee on the petition of Asa Hall—which were severally read & Resolved to concur in said reference.

Rec^{d} the petition of Thomas Hill & others, of Clapp Bolls, the acc^{t}. of Rob^{t}. B. Bates, with an order of the house on each referring the same to the joint Committee of Claims—which being read Resolved to concur in said reference.

The petition of Ira Hill, of John Dean, with an order of the house thereon was rec^{d} referring the same to the joint Committee of Suspensions—which being read Resolved to Concur in said reference.

The remonstrance of inhabitants of Mountholly was rec^{d} with an order of the house to refer the same to the joint Turnpike Company [Committee]—which being considered Resolved to concur in said reference.

Rec^{d} from the house the petition of Edward Fifield with an order thereon to refer the same to the joint Committee on the petition of Micajah Ingham, which being read Resolved to concur in said reference.

The petition of Landowners of Highgate—of Alburgh—of Brunswick, was rec^{d} with an order of the house to refer the same to the joint land tax Committee—which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act in addition to an act establishing a Company of Riflemen in the town of Middlebury, with an order of the house thereon referring the same to the joint Military Committee; which being read Resolved to concur in said reference.

Received a resolution instructing the judiciary Committee to enquire into the expediency of altering the law relating to the taking of depositions—which being read Resolved to concur in said resolution.

The petition of Calvin Hall, a convict of State's prison, was read & dismissed.

The petition of Samuel Blackburn, a convict of State's prison, was read, praying for a pardon—and on the question Shall the prayer thereof be so far granted as to remit the further execution & pecuniary claims? the Yeas & Nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Crawford, Smith, Hammond, Butler, Peaslee, Bliss, Cahoon & Stanley—*Nays* none—so the prayer was granted as above & the pardon issued accordingly.

Rec^{d} the following resolution from the House—viz.—

"In General Assembly October 15, 1817.

Resolved that His Excellency the Governor be requested by & with the advice of the Council to appoint thursday the 4th day of December next to be observed as a day of public thanksgiving & praise throughout this State. Extract from the Journal, Attest W^{M}. D. Smith *Clerk.* which being read, Resolved to advise & his Excellency is hereby advised to appoint said day a day of thanksgiving &c. accordingly.

Rec^{d} from the house the petition of Daniel Morse with an order to refer the same to the joint Military Committee.—Concurred.

Rec^{d} the bill entitled "an act constituting a Company of light infantry in the town of Hartford," with an order of the house thereon referring the same to the joint Military Committee—which was read & Resolved to concur in said reference.

The petitions of Thomas Winslow & Harvey Scott were rec^{d} from the house with an order thereon referring the same to the joint Committee of Claims, which being read Resolved to concur in said reference.

The petition of William Johnson, a convict of State's prison praying for a pardon, was read & on the question Shall the prayer thereof be granted ? the yeas & nays were called for & taken as follows—*Yeas*, Messrs. Keyes, Hammond, Butler, Peaslee, Cahoon & Stanley—6. *Nays*, Gov. Brigham, Messrs. Fay, Crawford, Smith, Doolittle, & Bliss—6; the Council being equally divided on the question His Excellency the governor decided the question by voting in the affirmative—So the prayer of said petition was granted.

Mr. Bliss appointed to join on the land tax Committee.

Rec^{d} from the house a resolution appointing Thursday morning next at 10 O'Clock a time for both houses to meet to elect judges of Supreme Court. Concurred with a proposal of amendment by erasing out "*Thursday*" & inserting "*Friday.*"

Adjourned to 9 O'C. A. M. to morrow.

THURSDAY October 16, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

His Excellency the Governor directed the Secretary to present the following Communication to the Speaker of the Gen$^{l.}$ Assembly:—

Hon$^{l.}$ William A. Griswold, Speaker of the House of Representatives: Sir,—The Gen$^{l.}$ Assembly is hereby informed that a vacancy has occurred in the office of Major General in the 1 Division of the militia of this State by the resignation of Major General Lewis R. Morris. Also that the Rev^{d} Samuel Clark has resigned his appointment as member of the board of Trust of the University of Vermont. The General Assembly will please to take proper measures to fill said vacancies.

JONAS GALUSHA.

The resolution for electing Brigadier Generals was called up & the vote of concurrence rescinded & then Resolved to concur with proposals of amendment by erasing "tomorrow morning" & insert "tuesday morning next." After the words "*to elect a*" insert "Major General of the 1st division of the militia of this State."

Mr Clark of the House came into the Council Chamber & informed the Governor & Council that the General Assembly had concurred in the proposed amendment of Council to the resolutions for electing Brigadier Generals & judges of the Supreme Court.

The petition of Henry Fitch, a convict of States Prison, praying for a pardon, [was considered] & on the question Shall the prayer thereof be so far granted as relates to the further execution of his sentence & pecuniary Claims of Gov$^{t.}$? the Yeas & Nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Fay, Crawford. Keyes, Smith, Hammond, Doolittle, Butler, Peaslee, Bliss, Cahoon & Stanley—*Nays* none—So the prayer was granted as stated & a pardon issued accordingly.

Rec^{d} from the House a resolution instructing the judiciary Committee to enquire into the expediency of making a law to prohibit debtors from the liberties of the Jail Yard when they shall refuse to deliver up their property, which being read Resolved to concur in said resolution.

Rec^{d} a resolution of the General Assembly, instructing the military

Com^ee to enquire into the expediency of directing the Commissary General to furnish several Artillery Companies &c. with field pieces—which being read, it was thereupon Resolved to concur in passing said resolution.

Rec^d from the House the petition of the overseers of the poor of Corinth with an order thereon referring the same to a Committee of 4 to join—which being read it was thereupon Resolved to concur in said reference & Mr Smith was appointed.

The petition of Arad Evans was rec^d from the house with an order thereon referring the same to a committee of three to join—which being read Resolved to concur in said reference & Mr Fay was appointed.

Rec^d the petition of D. L. Fowler—& the petition of Amos Davenport —with an order of the house on each to refer the same to the joint Committee on the petition of Arad Evans—which were severally read & Resolved to concur in said reference.

Rec^d the bill entitled an act relating to the duties of [the] several commanding officers of companies of militia in this State with an order to refer the same to the joint Military Committee—which being read Resolved to concur in said reference.

Rec^d the bill entitled " an act directing the treasurer to pay A. Bronson the sum therein mentioned "—Benjamin Fay's account – Lemuel Richardson's acc^t. — Moses Davis Jr.'s acc^t.—the petition of Stephen Farnsworth, with an order of the house on each referring the same to the joint Committee of Claims—which were severally considered & Resolved to concur in said reference.

The petition of Hampton Lovegrove was received with an order of the house to refer the same to a committee of 4 to join, which was read & Resolved to concur in said reference & Mr Bliss was appointed to join from Council.

The remonstrance of the inhabitants of Sheffield was rec^d with an order of the house referring the same to the joint Turnpike Committee —which being read it was Resolved to concur in said reference.

Personally came into Council Chamber Benjamin Swan Esqr Treasurer Elect & presented a bond for the faithful performance of the duties of his said office, signed by himself as principal & Elias Keyes & Charles Marsh as sureties, in the penal sum of one hundred thousand dollars— which was read & accepted by the Governor & Council & he was sworn to the faithful discharge of the duties of his said office.

The petition of Jonas Wetherbee, a convict of State's prison, praying for pardon, was read & on the question Shall the prayer thereof be so far granted as relates to further confinement & the pecuniary claims of Gov^t. ? the Yeas & Nays were called for & taken as follows—*Yeas*, Messrs. Fay, Crawford, Smith, Hammond, Peaslee, Bliss & Cahoon— *Nays* — Messrs. Doolittle & Stanley — So the prayer was granted & a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The petition of Prosper Lawrence, a convict of State's prison, praying for a pardon, [was considered] & on the question Shall the prayer be so far granted as to remit the residue of the confinement & the pecuniary claims of Gov^t. ? the Yeas & Nays were called for & taken as follows : *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Smith, Doolittle, Cahoon & Stanley. *Nays*, Messrs. Hammond, Butler & Bliss—So the question was decided in the affirmative & a pardon issued accordingly.

The petiton of the County grammar School in Royalton was rec^d with an order of the house to refer the same to a committee of 4 to join—and it was Resolved to concur in said reference & Mr Doolittle was appointed.

The petition of the proprietors of Groton was received with an order to refer the same to a committee of 4 to join, which being read it was Resolved to concur in said reference & Mr Stanley appointed.

The petitions of Charles Sangster, Asbel Greely, convicts of State's Prison, were read & dismissed.

The petition of N. P. Herriman, a convict of State's prison, was read, praying for a pardon, & on the question Shall the prayer thereof be so far granted as to remit the residue of the Confinement & pecuniary claims? the yeas & nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Smith, Hammond, Doolittle, Butler, Bliss, Cahoon & Stanley—*Nays* none—So the question was decided in the affirmative & a pardon issued accordingly.

Rec^{d} the following engrossed bills sent up from the House for revision & concurrence &c.—"An act to continue in force an act entitled an act granting relief to the Company for rendering Connecticut River navigable by Bellows Falls &c.; An act making appropriations for paying for the maps of the United States;" which were severally read & it was Resolved to concur in passing the same into Laws.

Mr Keyes had leave of absence.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY October 17, 1817. 9 O'C. A. M.

The Gov. & Council met pursuant to adjournment.

Rec^{d} a resolution appointing 10 O'Clock A. M. this day a time for both houses to meet & elect a trustee in the board of trust to the University of Vermont—which being read Resolved to concur in passing said resolution.

The Gov. & Council proceeded to the Representatives' room & there met the Gen$^{l.}$ Assembly to elect Judges of Supreme Court—a Major General, [Brigadier Generals,] & Trustee of the University of Vermont —when Hon$^{l.}$ Richard Skinner, William A. Palmer & William Brayton were duly elected judges of the Supreme Court for the year ensuing, Martin Field Esqr Major Gen$^{l.}$ of 1st Division Militia of this State, Jonas Mann Esqr Brigadier Gen$^{l.}$ 1st Br$^{r.}$ 1st Division, & Asaph Fletcher Jr. Brig^{r} Gen$^{l.}$ 2^{d} Brigade & 1st Division—which being done the Governor & Council returned to their Chamber.[1]

Mr Doolittle was appointed on the Turnpike Company [committee] in the room of Mr. Keyes during his absence.

His Excellency ordered the Secretary to deliver the following communication to the Speaker of the Gen$^{l.}$ Assembly—

The Hon$^{l.}$ W$^{m.}$ A. Griswold Speaker of the House of Representatives —Sir,—I transmit to the Gen$^{l.}$ Assembly several pamphlets received from the State of New York respecting the subject of canal navigation in said State, together with a map containing a survey of the proposed Canal from Lake Erie to Hudson's River.

I have also received a set of the late edition of the laws of the United States in 4 volumes; also a set of State papers, together with the journals of several sessions of the House of Representatives & Senate of the United States, all which will be delivered to the Clerk of the Gen$^{l.}$ Assembly. Very respectfully &c. JONAS GALUSHA.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Gov. & Council met pursuant to adjournment.

Rec^{d} the following resolutions from the house—one instructing the Judiciary Committee to enquire into the expediency of extending the

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[1] Luther Loomis was elected a trustee of U. V. M.

time for holding the jury terms of the Supreme Court—one directing the judiciary Committee to enquire into the expediency of amending an act relating to forcible entry & detainer & to compel the Complainant or plff. to enter bail—which were severally read & Resolved to concur in passing the same.

Rec^{d} from the house the acc$^{t.}$ of J. P. Clough, the Pet. of Rob$^{t.}$ Torrence, an act directing the Treasurer to pay Loring Richmond the sum therein mentioned, an act directing the Treasurer to pay Martin Wood the sum therein mentioned, with an order of the house on each referring the same to the joint Committee of Claims—which were severally read & Resolved to concur in said reference.

Rec^{d} the petitions of Cyrus Ware, Reuben & William Hawkins, Joseph Huntington, Inhabitants of Brunswick, with an order of the house on each referring the same to the joint Committee of insolvency, which were severally read & Resolved to concur in said reference.

Rec^{d} the report of the [a] Committee of the University of Vermont with an order of the house to refer the same to the joint Committee on the petition of the University of Vermont, which being read Resolved to concur in said reference.[1]

The petition of Isaac French was rec^{d} with an order of the house referring the same to the joint committee on the petition of Asa Hall & others—which was read & Resolved to concur in said reference.

The petition of sundry inhabitants of Weathersfield was rec^{d} with an order of the house thereon referring the same to the joint Military Committee—which was read & Resolved to concur in said reference.

The petition from Reedsboro', & remonstrance against a land tax in Berkshire, were rec^{d} with an order of the house on each referring the same to the land tax Committee—which being severally read it was Resolved to concur in said reference.

A Statement of the expences of the State's prison was rec^{d} with an order of the house to refer the same to the joint Committee on the affairs of the State's prison—which being read it was Resolved to concur in said reference.

Rec^{d} a resolution referring so much of His Excellency's Speech as relates to manufactures to the Com^{ee} on Manufactures—which being read Resolved to concur in said reference.

Also rec^{d} a resolution referring so much of His Excellency's Speech as relates to the State's prison to a Committee of six to join—which being read Resolved to concur in said reference & Mr Bliss appointed.

Also rec^{d} a resolution referring so much of said Speech as relates to the reception of laws & maps from other States &c. to a Committee of 2 to join, which was Read & Resolved to concur in said resolution & Mr. Doolittle was app$^{d.}$

Also a resolution referring so much of said Speech as relates to education to a committee of six to join, which being read it was Resolved to concur in said reference & Mr. Smith was appointed.

The petitions of William Davis, & H. Stone, Convicts of State' prison, were read & dismissed.

The petition of Joseph Little, a convict of State's prison praying for a pardon, was read & on the question Shall the prayer thereof be granted so far as relates to his Confinement & the pecuniary Claims of Gov$^{t.}$? the yeas & nays were called for & taken as follows,—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Smith, Hammond, Doolittle, Butler, Bliss, Cahoon, & Stanley—*Nays* none. So the prayer was granted & a pardon issued accordingly.

Adjourned to 9 O'C. A. M. tomorrow.

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[1]Annual report on the condition of the University.

SATURDAY October 18, 1817. 9 O'C. A. M.

Gov. & Council met pursuant to adjournment.

The petition of Henry Smith, a convict of State's prison praying for pardon, was read & on the question Shall the prayer thereof be so far granted as relates to the Confinement & the pecuniary Claims of Government? the yeas & nays were called for & taken as follows—[*Yeas,*] Messrs. Fay, Crawford, Smith, Hammond, Doolittle, Butler, Bliss, Cahoon & Stanley. *Nays* none. So it was decided in the affirmative & a pardon issued accordingly.

His Excellency the Governor directed the Secretary to deliver the following Communication to the Speaker of the Gen[l.] Assembl, —

To the Hon. William A. Griswold, Speaker of the House of Representatives: Sir,—I transmit to you to be laid before the General Assembly a copy of a letter from the acting Secretary of State of the United States on the subject of Weights & Measures, & a copy of a resolution of the Senate of the United States on the same subject. Also a copy of a letter from the acting Secretary of War requesting a printed or manuscript copy of the Militia Law of this State, & resolution of the Senate of the United States respecting the same subject. These papers are marked No. 1 & No. 2. I shall cheerfully carry into execution any measures relative thereto that the General Assembly may please to prescribe.

No[s.] 3, 4 & 5 contain resolutions of the States of Kentucky, New Jersey & Connecticut on certain proposals of amendment to the Constitution of the United States. They are submitted to the wisdom of the General Assembly.

A box containing 280 copies of laws passed 1[st] Session of the 14[th] Congress of the United States is rec[d] by me subject to the order of the General Assembly. I am &c. JONAS GALUSHA.

The petition of Samuel Mattocks was rec[d] with an order of the Gen[l.] Assembly referring the same to a committee of 4 to join, which being read Resolved to concur in said reference & Gov. Brigham was appointed.

Rec[d] a bill entitled an act directing the Sheriffs in their office & duty, with an order of the house to refer the same to the judiciary Committee, which being read it was Resolved to concur in said reference.

Rec[d] from the house a resolution directing the judiciary [Committee] to enquire into the expediency &c. for giving bail in appeals from judg[ts] of Judges of Probate—which being read Resolved to concur in passing said resolution.

Rec[d] a resolution directing the judiciary Committee to enquire into the expediency of altering the justice act, which being read Resolved to concur in passing said resolution.

Rec[d] a resolution instructing the judiciary Com[ee] to enquire into the expediency of making additions to the act for the regulation of Manufacturing & Turnpike Corporations, which being read Resolved to concur in passing said resolution.

Rec[d] a resolution directing the committee on the resolution relating to roads & bridges to enquire what provision may be made for building a bridge across Otter Creek [in Vergennes,] which being read Resolved to concur in said resolution.

Rec[d] the bill granting a new trial to Moses Lyon with an order to refer the same to the joint Com[ee] of New trials—which being read Resolved to concur in passing said order of reference.

Rec[d] the petition of Solomon Powell with an order of the house on the same referring it to the joint Committee on the petition of Arad Evans —which being read Resolved to concur in said reference.

Rec[d] the bill entitled an act incorporating an academy in Arlington

with an order to refer the same to the joint Committee raised on that part of the Governor's Speech that relates to education, which being read Concurred in said reference.

The petition of Samuel Durkee was rec^{d} with an order of the house referring the same to the State's prison committee—which being read Resolved to concur in said reference.

The petition of Minehead was rec^{d} with an order of the house referring the same to the joint land tax Committee—which being read Resolved to concur in said reference.

Rec^{d} the Petition of Jonathan Plastridge, & the bill directing the Treasurer to pay the sum therein mentioned, with an order of the house to refer the same to the joint Committee of Claims—which being read Resolved to concur in said reference.

The petition of Harvey Scott, which had been committed to the Committee of Claims, now came to Council with an order of the house to recommit the same to said Committee—whereupon Resolved to concur in said order of recommitment.

Rec^{d} a petition of Inhabitants of Bennington, with an order of the house thereon referring the same to the joint Committee on that part of the Governor's Speech that relates to education—which was read & thereupon Resolved to concur in said reference.

Rec^{d} from the house a report of the committee on the bill providing for an additional volume of the laws of this State, with an order of the house to recommit the same to the committee who made said report—which being read Resolved to concur in said recommitment.

Rec^{d} a petition for a company of Artillery for the 2^{d} Regiment, 4th Brigade & 4th Division of militia of this State, with an order of the house thereon referring the same to the joint Military Committee—which being read it was thereupon Resolved to concur in said reference.

The petitions of Henry Rose, F. Wood, Benj$^{a.}$ W. Howard [or Harwood,] Moses Niles, Wm. Woodcock, E. Patrick, L. Johnson, Wm. Smith, S. Mayar, J. Reynolds, E. Wilson, John Church, P. Birchett, Wm. Riley, convicts of State's prison, were severally read & ordered to be dismissed.

Adj^{d} to 2 O'C. P. M.

2 O'C. P. M.— Governor & Council met pursuant to adjournment

The petitions of Asahel Mott, Cyrus Jones & Oren Willard, convicts of State's prison, read & ordered to be dismissed.

Adjourned to 9 O'C. A. M. Monday next.

Monday October 20, 1817. 9 O'C. A. M.

Gov. & Council met pursuant to adjournment.

Rec$^{d.}$ a resolution instructing the judiciary Committee to enquire into the expediency of amending the act directing the proceedings against trustees of concealed or absconding debtors—which was read & Resolved to concur in passing said resolution.

Rec^{d} a resolution directing the judiciary Comm^{ee} to enquire into the expediency of passing a law to authorize the taking of depositions to perpetuate testimony—which being read Resolved to concur in said resolution.

Rec^{d} the bill directing the treasurer to pay Edward Fifield the sum therein mentioned with an order of the house to refer the same to the joint Committee on the bill for the relief of Micajah Ingham, which was read & Resolved to concur in said reference.

Rec^{d} a bill directing the Treasurer to pay Stephen Farnsworth the sum therein mentioned—And a bill for the relief of an infirm Indian, a State Pauper, with an order on each referring the same to the joint Committee of Claims—which were read & Resolved to concur in said reference.

Rec^{d} the petition of the officers of the 3^{d} Reg$^{t.}$ 1st Brig. & 2^{d} Division of Militia, & the copy of a letter of George Graham acting Secretary of the department of War of the United States, with an order of the house on each referring the same to the joint Military Committee—which being read Resolved to concur in said reference.

Rec^{d} the petition of Ziba Crocker with an order of the house to refer the same to the joint Com^{ee} of Suspension, which being read it was concurred.

Rec$^{d.}$ the bill for the relief of Ja$^{s.}$ O. Walker with an order of the house to refer the same to the joint Com^{ee} on the petition of Asa Hall & others —which was read & it was Resolved to concur in said reference.

Rec^{d} the petition of Peabody Utley, with an order of the house to refer the same to a committee of 3 to join, which being read Resolved to concur in said reference & Mr Crawford was app$^{d.}$

Rec^{d} the petition of the proprietors of the Congregational Meeting house in Bennington with an order of the house to refer the same to a committee of 4 to join, which being read it was thereupon Resolved to concur in said reference & Mr Doolittle was appointed.

The petition of G. Miller, a convict of State's prison, was read & ordered to be dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} from the house several proposals of amendment to the Constitution of the United States, with an order of the house to refer the same to a Committee of 4 to join—which were read & Resolved to concur in said reference & Mr Smith was appointed.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz.—"An act altering the name of Justin Healy Herriman to Justin Healy Brown; An act to alter the name of Henry Allen to George Henry Chase;" & "An act altering the name of John Allen to John Wilcox;" which were severally read & Resolved to concur in passing the same into laws.

Rec^{d} a resolution of the house instructing the judiciary Committee to enquire into the expediency of making further provision for appeals from the report of Commissioners—which being read Resolved to concur in passing said resolution.

Adjourned to 9 O'C. A. M. tomorrow.

Tuesday October 21, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

His Excellency the Governor ordered the following communication to be sent to the General Assembly:

In Council Chamber, October 21, 1817.

To the Hon$^{l.}$ William A. Griswold Speaker of the House of Representatives—Sir,—I communicate to you for the information of the General Assembly, that Horace Everett Esqr. has resigned his office as State's atty for the County of Windsor for the year ensuing. The General Assembly will please to take proper measures for filling the vacancy.

I transmit a copy of his letter, containing his resignation & remarks on the law creating the office of State's attorney. Should any doubts be

entertained on the subject to which it refers, I would suggest the propriety of removing them by some legislative provision.

With respect &c. JONAS GALUSHA.

Rec^{d} a resolution directing the Manufacturing Company [committee] to enquire into the expediency of establishing a Standard for *reels* [for reeling yarn,] which being read Resolved to concur in said resolution.

Rec^{d} a resolution directing the Military Committee to enquire into the expediency of providing noncommissioned officers & privates with a dinner on muster days &c.—which being read Resolved to concur in passing said resolution.

Rec^{d} from the house a resolution instructing the judiciary Committee to enquire into the expediency of making alterations in the laws respecting proprietors' meetings—which being read Resolved to concur in passing said resolution.

Rec^{d} the petitions of Joseph Ellis, Anthony Jones, Ira Hill, Lavius Fillmore & Sons, James Johnson, Rufus Campbell, with an order of the house to recommit the same to the joint Committee of insolvency—whereupon it was Resolved to concur in said reference.

Rec^{d} a bill entitled an act in addition to an act for the probate of Wills &c. with an order to refer the same to the judiciary Committee—which being read Resolved to concur in said reference.

Rec^{d} the petition of sundry inhabitants of Readsboro' with an order to refer the same to the joint Military Committee—which being read Resolved to concur in said reference.

Rec^{d} a bill to promote the encouragement [increase] of Sheep [and to keep the different breeds distinct,] with an order of the house to refer the same to the committee of Agriculture—which being read Resolved to concur in said reference.

Rec^{d} the petition of Cornelius Young, with an order of the house to refer the same to the joint Com^{ee} on the petition of Micajah Ingham—which being read Resolved to concur in said reference.

The petition of Samuel Gale was rec^{d} with an order of the house to refer the same to the joint Committee of new Trials—which being read Resolved to concur in said reference.

The petition of Cyrus Hind was rec^{d} with an order to refer the same to the joint committee on the petition of Peabody Utley—which being read Resolved to concur in said reference.

Rec^{d} the following engrossed bills sent up for revision & concurrence &c—"An act directing the Treasurer of the State to pay Frye Bayley the sum therein mentioned; An act directing the Treasurer to pay Nathan Bronson [Brownson] the sum therein mentioned; An act directing the Treasurer to pay Joseph Weeks the sum therein mentioned; An act in addition to an act therein mentioned; An act authorizing the overseers of the poor of Whiting to deed lands; An act granting the exclusive right of keeping a ferry therein named to Israel Ide Jr. & Samuel Bowley;" which were severally read & Resolved to pass the same into Laws.

Rec^{d} the bill entitled an act authorizing the removal of William Thayer & John Darling to Danville in the County of Caledonia [from Orleans County jail,] with an order of the house to refer the same to the joint Judiciary Committee—which being read Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} from the house his Excellency's Communication on the subject of Horace Everett's Esqr. resignation as State's attorney for the county

of Windsor, with an order to refer the same to the judiciary Committee —which being read Resolved to concur in said reference.

Rec^{d} the remonstrance of sundry inhabitants of Roxbury with an order of the house to refer the same to the joint Committee on pet. of the inhabitants of Roxbury & Brookfield, which being read Resolved to concur in said reference.

Rec^{d} the following engrossed bills sent up for revision & concurrence &c. Viz. "An act directing the Treasurer to pay Joseph Howes the sum therein mentioned; An act directing the Secretary of State to purchase the 3^{d} Volume of the Compiled laws of this State;" which were read & passed into laws.

Adjourned to 9 O'C. A. M. tomorrow.

Wednesday October 22^{d}, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the bill entitled an act laying a tax of 4 cents per acre on the town of Newport, with an order of the house to refer the same to the joint land tax committee—which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act reviving a land tax on Salem with an order of the house to refer the same to the joint land tax committee. Concurred.

Rec^{d} the bill in addition to an act regulating Marriage & Divorce, with an order to refer the same to the judiciary Committee — which being read Resolved to concur in said reference.

Rec^{d} a resolution instructing the judiciary Comm^{ee} to enquire into the expediency of repealing an act in addition to an act for the limitation of penal statutes—which being read Resolved to concur in said resolution.

Rec^{d} a resolution instructing the judiciary Committee to enquire into the expediency of passing an act taking away the liability of Sheriffs & other officers for taking insufficient bail--which being read Resolved to concur in passing said resolution.

Rec^{d} the bill entitled an act in addition to an act constituting the Supreme Court of Judicature &c. with an order to refer the same to the judiciary Committee—which being read Resolved to concur in passing said reference [resolution.]

Rec^{d} a resolution requesting the insolvency com^{ee} to enquire into the expediency of granting Elisha Kingsley the benefit of the poor debtors' oath—which was read & Resolved to concur in said resolution.

Rec^{d} the bill entitled an act in addition to an act reducing into one the several acts &c. for laying out, repairing & clearing highways, with an order of the house to refer the same to the Committee raised on the resolution respecting bridges & highways—which being read Resolved to concur in said reference.

Rec^{d} a resolution directing the Turnpike Com^{ee} to enquire into the expediency of reviving & altering an act incorporating the Boston & Montreal Turnpike Company—which was read & Resolved to concur in passing the same.

Rec^{d} the bill authorizing the Green Mountain Turnpike Company to resurvey & alter their road, with an order of the house to refer the same to the joint Turnpike Committee—which being read Resolved to concur in said reference.

Rec^{d} the bill to provide for laying out & altering the County road from Bellows Falls in Rockingham to Massachusetts line, with an order to refer the same to the Turnpike Committee—which being read it was Resolved to concur in said reference.

Rec^{d} the bill entitled an act directing the Treasurer to pay Micajah Ingham the sum therein mentioned with an order to refer the same to the joint Committee on Micajah Ingham's bill [petition]—which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act directing the Treasurer to credit the town of Newark the sum therein mentioned with an order to refer the same to the joint Committee of Claims—which being read Resolved to concur in said reference.

Rec^{d} the act authorizing the administrator of the estate of James Nichols deceased to deed land, with an order to refer the same to the committee on the petition of Samuel Parkman, which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act authorizing the town of Barton to transfer records with an order to refer the same to the joint Committee on the petition of Select men of Albany, which being read Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} his Excellency's communication on the subject of the Communication from the State of New York respecting Canal Navigation, with an order of the house to refer the same to a committee of 4 to join from Council, which being read Resolved to concur in said reference & Mr Doolittle was appointed.

Rec^{d} the bill for the relief of D. L. Fowles, with an order to recommit the same to the joint Com^{ee} on the petition of Arad Evans—which was read & Concurred.

Adjourned to 9 O'C. A. M. tomorrow.

Thursday October 23^{d}, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the bill entitled an act authorizing The Supreme & County Courts to assign counsel &c. with an order to refer the same to the judiciary Com^{ee}, which being read Resolved to concur in said reference.

Rec^{d} the resolution of the house instructing the judiciary Committee to enquire into the expediency of altering the laws respecting the appointment of Deputy Sheriffs &c. which being read Resolved to concur in said resolution.

Rec^{d} the act authorizing the administrators of Francis Davis deceased to deed lands, with an order of the house to refer the same to the Committee on the petition of Samuel Parkman, which being read Resolved to concur in said reference.

The Petition of sundry members of the 3^{d} Reg$^{t.}$ 1st Brigade & 4th division of Militia with an order to refer the same to the Military Committee—which being read Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay Samuel Hewes the sum therein mentioned with an order to refer the same to the joint Committee of Claims, which being read Resolved to concur in said reference.

Rec^{d} the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act restoring Arad Evans to his legal privileges; An act authorizing the Directors of the State Bank to sell lands; An act to revive & continue an act laying a tax of 3 cents per acre on the town of Richford, passed October 26, 1806; An act appropriating a certain fine for the education of Truman Lapish; An act granting a New Trial to Moses Lyon; An act directing the Treasurer to pay Samuel [Lemuel] Richmond & Moses Davis Jr. the sum therein mentioned; An act grant-

ing relief to Cyrus Ware; An act to prohibit the circulation of bills not payable in Specie;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} a bill laying a tax on Montgomery & Avery's gore with an order to refer the same to the land tax Com^{ee}, which being read Resolved to concur in said reference.

Rec^{d} the bill relating to recognizances taken on appeals or reviews of civil actions, with an order of the house to refer the same to the judiciary Committee—which being read Resolved to concur in said reference.

Rec^{d} the engrossed bill entitled "an act granting a New Trial to Daniel Beckwith," sent up for revision & concurrence &c.—which was read & passed into a Law.

The petition of Samuel Bradley, a convict of State's prison, which had been dismissed, was now called [up] & the vote of dismissal rescinded & on the question Shall the prayer thereof be granted &c. the Yeas & Nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Fay, Smith, Chittenden, Cahoon & Stanley. *Nays*, Messrs. Crawford, Hammond, Doolittle, Butler, & Bliss—so the prayer was granted.

The petition of Stephen M^{c}Connell, a convict of State's prison, was called up, read & dismissed.

Adjourned to 9 O'C. A. M. tomorrow.

Friday October 24, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the petition of Polly Foster with an order of the house to refer the same to the joint Committee of insolvency, which being read Resolved to concur in said reference.

Rec^{d} the bill authorizing Nancy Allen admin^{x} de bonis non on the estate of Levi Allen deceased to convey lands, with an order of the house to refer the same to the joint Committee on the petition of Samuel Parkman—which being read Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay the sum therein mentioned, with an order to refer the same to the Military Committee—which being read Resolved to concur in said reference.

Rec^{d} the bill for the removal of Samuel Durkee to the State's prison with an order to refer the same to the State's prison Committee—which being read Resolved to concur in said reference.[1]

Rec^{d} the bill for organizing a Battallion of Artillery with an order of the house on the same to refer it to the Military Committee—which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act making provision to establish certain lines with an order of the house referring the same to a committee of 3 to join—which being read Resolved to concur in said reference & Mr Bliss was appointed.

Rec^{d} the bill making appropriations for the benefit of the State's Prison &c. with an order of the house to refer the same to the State's

[1] Durkee was in Orange County jail on a charge of an assault with an intent to murder, and was removed to the State prison on his own petition.

prison Committee—which being read it was Resolved to concur in said reference.

Rec^{d} a resolution instructing the Military Committee to enquire into the expediency of amending the law respecting appeals in case of amercements by commanding officers of Companies, which was read & Resolved to concur in said reference [resolution.]

Rec^{d} the bill to revive an act laying a tax on Jay with an order to refer the same to the land tax Committee, which being read Resolved to concur in said reference.

Rec^{d} from the house the following engrossed bills, sent up for revision & concurrence &c. Viz.—"An act for ascertaining the number & condition of the deaf & dumb persons in this State; An act freeing the body of Ira Hill from arrest & imprisonment for the term of five years; An act relating to the appointment of Jurors to serve before the City Court of Vergennes; An act directing the Treasurer to issue Treasury notes; An act directing the Treasurer to pay Thomas Winslow the sum therein mentioned; An act laying a tax of 3 cents pr. acre on the town of Stamford; An act directing the Treasurer to pay Adonijah Griswold the sum therein mentioned; An act freeing the body of Joseph Huntington from arrest & imprisonment; An act for the relief of Landgrove;" which were severally read & it was Resolved to concur in passing the same into Laws.

Rec^{d} a resolution appointing the 25th day of instant October 10 O'C. A. M. a time for both houses to meet to elect Directors of State Bank, Superintendent of State's prison, auditor of accts. & a person to preach the next election sermon, which was read & concurred with the following proposals of amendment: add "*to elect a Quarter Master General & Surveyor General*"—& erase the figures "25" & insert "28."

Rec^{d} the bill for the relief of the Fairhaven Turnpike Company with an order to refer the same to the Turnpike Committee—which was read & Concurred.

Rec^{d} the engrossed bill entitled "An act authorizing the Executor of Edmund Burke [Edward Blake] jr. deceased to deed lands," sent up for revision & concurrence &c. which being read Resolved to concur wtih the house in passing the same with proposals of amendment. Mr Fay was appointed to assign the reasons to the house.

Rec^{d} a resolution instructing the committee on agriculture to enquire into the expediency of passing a law restraining Horses & Neat Cattle from running at large, which was read & Resolved to concur in passing the same.

Adjourned to 9 O'C. A. M. to morrow.

SATURDAY October 25, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

His Excellency the Governor ordered the Secretary to deliver the following Communication to the General Assembly—

To Hon. William A. Griswold Speaker of the house of Representatives —Sir,—I hereby communicate for the information of the Gen$^{l.}$ Assembly, that the Hon^{l} Richard Skinner has declined accepting the appointment of Chief Judge of the Supreme Court. The Gen$^{l.}$ Assembly will please to take proper measures to fill the Vacancy. I transmit Judge Skinner's letter, which contains his reasons for his nonacceptance.

I am, Sir, &c. JONAS GALUSHA.

Rec^{d} a resolution appointing a committee to examine the several acts for laying out &c. roads &c. with a report of said committee & an order

of the house recommitting said report—which being read Resolved to concur in said recommittment.

Rec^{d} a resolution directing the Committee on the above resolution to enquire into the expediency of providing by law for building a bridge across Otter Creek [in Vergennes,] which being read Resolved to concur in said resolution.

Rec^{d} a resolution directing the Military Committee to enquire into the expediency of repealing or amending the 3^{d} Section of an act entitled an act ascertaining the principles on which the list of this State shall be made &c.—which being read Resolved to concur in said resolution.

Rec^{d} a resolution directing the Secretary of State to furnish the adjutant General with a manuscript copy of the military laws of this State & instructing the adjutant General to furnish the adjutant General of the United States with the same & complete returns of the militia of this State—which being read Resolved to concur in passing said resolution.

Rec^{d} the Bill for the relief of David [L.] Fowles, with an order to refer the same to the joint Committee on the petition of Arad Evans—which being read Resolved to concur in said reference.

Rec^{d} the following engrossed bills sent up from the house for revision & concurrence &c. Viz. "An act directing the Treasurer to pay Loring [Loren] Richmond the sum therein mentioned; An act directing the Treasurer of this State to pay Stephen Farnsworth the sum therein mentioned; An act directing the Treasurer to pay John Plastridge the sum therein mentioned; An act altering the name of Huntsburgh in the County of Franklin to that of Franklin; An act directing the Treasurer to pay Linus Crampton 1st Constable of Tinmouth the sum therein mentioned; An act directing the Treasurer to pay Joseph Howes the sum therein mentioned;" which were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} the bill directing the Treasurer to pay Alexander Hutchinson the sum therein mentioned, & the bill to remedy a mistake in the name of one of the Committee of the land tax on Northfield, which contained an order of the house to refer the same to the joint Committee of Claims —which were read & Resolved to concur in passing the same into a Law [Resolved to concur in said reference.]

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} from the House the following engrossed bills Viz. "An act for the relief of Ja$^{s.}$ O. Walker; An act directing the Treasurer of this State to pay Benjamin Fay the sum therein mentioned; An act authorizing Joshua Morse 2^{d,} Guardian of the minor heirs of Amos Perry deceased &c. to deed lands; An act laying a tax of 3 cents pr. acre on the town of Readsboro'; An act authorizing the Green Mountain Turnpike Company to resurvey & alter said road;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 9 O'C. A. M. Monday next.

Monday October 27, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr Keyes excused from the Committee on the petition of the Inhabitants of Brookline & Mr Peaslee appointed.

His Excellency the Governor ordered the following Communication to be sent to the Gen^{l} Assembly.

Hon$^{l.}$ William A. Griswold Esqr Speaker of the House of Representatives: Sir,—I transmit to you to be laid before the General Assembly

a copy of a letter from Mr Samuel M. Burnside, Corresponding Secretary of American Antiquarian Society, requesting to be furnished with copies of the public & private acts of this State. Considering the very laudable objects of that Society, I submit the propriety of directing the Secretary of State to furnish them with such printed copies of Legislative acts & journals as their design may require.

I am, Sir, &c. JONAS GALUSHA.

Rec^{d} the bill for the relief of D. L. Fowles with an order to refer the same to the [a] joint Committee, & a Com^{ee} on the part of the house was appointed to join—which being read Resolved to concur in said reference & Mr Hammond was app^{d}.

Rec^{d} a resolution appointing Wednesday next a time for both houses to meet & elect a Chief Judge of the Supreme Court, in the room of Judge Skinner, & other appointments that may happen &c. which being read Resolved to concur in passing said resolution.

Rec^{d} a resolution instructing the Judiciary Com^{ee} to take into consideration the expediency of providing for replevying property attached &c. which was read & Resolved to concur in said resolution.

Rec^{d} the engrossed bill entitled "an act laying a tax of 1 cent pr. acre on the township of Montgomery," sent up for revision & concurrence &c. which being read it was Resolved to concur in passing the same into a Law.

Rec^{d} the following bills—"An act reviving a tax of 2 cents pr acre on the town of Worcester — An act laying a tax on the town of Glover," with an order of the house on each referring the same to the land tax Committee—which being read Resolved to concur in said reference.

Rec^{d} notice from the General Assembly that they have concurred in the proposal of amendment made by the Gov. & Council to the bill entitled "an act authorizing the executors of Edmund Blake [Edward Blake Jr.] to Convey lands," & that the same has become a law as amended.

Adjourned^{d} to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the engrossed bill entitled "an act authorizing the removal of Wm. Thayer & John Darby to Danville in [the] County of Caledonia," sent up for revision & concurrence &c. which being read Resolved to concur in passing the same into a Law.

Rec^{d} the Communication made by his Excellency to the house, on the subject of Mr Burnside's request, with an order of the house referring the same to the joint Committee on that part of His Excellency's Speech which relates to Education—which being read it was Resolved to concur in said reference.

Rec^{d} the acc^{t} of Solomon W. Burke with an order of the house to refer the same to the joint Comm^{ee} of Claims.—Concurred in said refence.

Rec^{d} the bill entitled an act in addition to an act for the probate of Wills &c. with an order to refer the same to the judiciary Committee — which being read Resolved to concur in said reference.

Rec^{d} a resolution of the house instructing the judiciary Committee to enquire into the expediency of altering the laws relative to jails & jailers—which being read Resolved to concur in the same.

Rec^{d} the bills, one for the release of poor debtors whose crimes disqualify them from taking the poor debtor's oath,—one for the better organizing the County Courts—with an order of the house on each referring the same to the judiciary Committee—which being read it was Resolved to concur in said reference.

Rec[d] a bill to provide for the erection of a Bridge across Onion River in the town of Richmond, with an order to refer the same to the joint Committee on the resolution respecting Bridges, Highways &c. which being read Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. tomorrow.

TUESDAY October 28, 1817. 9 O'C. A. M.

Gov. & Council met pursuant to adjournment.

The Governor & Council now proceeded to the Representatives' room agreeably to adjournment to complete the Appointment of County & other officers, & after progress, the joint Com[ee] adjourned to 2 O'C. P. M. tomorrow. The Gov. & Council thereupon returned to their Chamber.[1]

Rec[d] a bill for the relief of Reuben Hawkins & W. W. Hawkins with an order to refer the same to the Com[ee] of insolvency, which being read Resolved to concur in said reference.

Rec[d] from the house the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act reviving an act laying a tax of 4 cents pr acre on Salem in the County of Orleans; An act altering the name of Justin Healy Herriman to that of Justin Healy Brown; An act authorizing the laying out & surveying anew the Stage road through the town of Swanton; An act for the benefit of the overseers of the poor of Danby; An act freeing the body of Timothy Pearl from arrest or imprisonment for the term of five years; An act freeing the body of Polly Foster from arrest; An act making the necessary appropriations for the present year & for other purposes; An act for the relief of Timothy Matthews; An act appointing a Com[ee] to lay out a public road from the middle of Coventry to Canada Line; An act appointing a Committee to lay out a County road from the South end of Lake Memphramagog to the South line of Elmore; An act appointing a Committee to lay out a road from Holland &c.; An act incorporating & establishing an Academy in Arlington; An act laying a tax of 4 cents pr. acre on the town of Newport late Duncansboro'; An act laying a tax of 3 Cents pr. acre on Lyndon; An act constituting a Company of Riflemen in the towns of Cavendish & Ludlow in the County of Windsor; An act appointing a Committee to lay out the 2[d] division of land in Sandgate; An act granting relief to an infirm indian by the name of Joseph;[2] An act directing the Treasurer to pay Eli Austin the sum therein mentioned;" all which said bills were severally read & Resolved to concur with the Gen[l] Assembly in passing the same into Laws.

Rec[d] the engrossed bill entitled "an act to provide for laying out & altering the County road from Bellows Falls in Rockingham" &c. which was sent up for revision & Concurrence &c. & being read was passed with certain proposals of amendment & Mr Doolittle was appointed to assign the reasons to the house.

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[1] The following elections were made: Benjamin Swan, Wyllys Hall jr. and Thomas Hammond, Directors of the Vermont State Bank; Jabez Delano, Supt. of the State Prison; Wyllys Hall jr. Auditor of Accounts; Elder Clark Kendrick of Poultney to preach the then next election sermon, and Elder Joseph Elliott of Rockingham substitute; Caleb Hendee jr. Surveyor General; and James Q. M[c]Farland, Quarter Master General.

[2] See Vol. v, p. 262, note.

Rec^{d} the engrossed bill entitled "an act for the relief of the Fairhaven Turnpike Company," which being read it was resolved not to concur in passing the same & the bill was returned to the General Assembly with the reasons of nonconcurrence.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met.

The petitions of Silas Lovell, Henry Gould, John Merriam & Walter Sessions were read with an order of the house on the same referring them to the Committee of insolvency, which were read & Resolved to concur in said reference.

Rec^{d} a bill for incorporating the President, Directors & Company of the Bank of Windsor, with an order to refer the same to a Com^{ee} of 4 to join—which being read & [it was] Resolved to concur in said reference & Mr Butler was app^{d}.

Adjourned to 9 O'C. A. M. tomorrow.

Wednesday October 29, 1817. 9 O'C A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act establishing the jurisdictional line between Fairfield & Bakersfield; An act for the relief of Elisha Kingsley;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adj^{t}.

Rec^{d} the engrossed bill ent^{d} "an act laying a tax of 4 Cents pr. acre on Topsham," sent up from the house for revision & Concurrence &c. which being read Resolved to concur in passing said bill into a Law.

The Governor & Council met the Gen^{l} Assembly in the Representatives' room to complete the election of County officers & Chief Judge of the Supreme Court, which being completed the joint Com^{ee} dissolved & the Gov. & Council returned to their Chamber & adjourned the Council till 9 O'C. A. M. tomorrow.[1]

Thursday October 30, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} from the house the following bills,—"An act in addition to an act to prevent the continuance of certain nuisances; An act relating to jails & jailers;" with an order of the house to refer the same to the judiciary Com^{ee}, which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act to revive an act laying a tax on Parker's gore, with an order of the house to refer the same to the joint Land tax Com^{ee}; which was read & concurred to refer.

The petition of William M. Parker, a Convict of State's prison praying for a pardon, [was considered,] which being read Resolved to grant the same so far as to remit the fine & costs.

Rec^{d} from the house the following engrossed bills, sent up for revision & concurrence &c.—"An act incorporating certain persons therein named by the name of Lamoille Bridge Company; An act to incorporate the Second Brattleboro Aqueduct Company; An act establishing an Academy in the East Village of Bennington in the County of Ben-

[1] Hon. Dudley Chase of Randolph was elected Chief Justice.

nington: An act for the relief of David L. Fowles: An act to alter the name of George Henry Allen to George Henry Chase; An act appropriating the rents of lands granted for the support of Grammar Schools in the County of Windsor; An act authorizing the Town Clerk of Barton County of Orleans to transcribe certain records; An act for the relief of Samuel Gale; An act authorizing the administratrix of Francis Davis Deceased to deed lands; An act authorizing the administrator of the estate of Ja^{s} Nichols deceased to deed lands; An act authorizing Nancy Allen adm^{x} de bonis non on the estate of Levi Allen to deed lands; An act to remedy a mistake in the act granting a tax of 3 cents pr. acre on land in Northfield; An act for the relief of Solomon Powell; An act in addition to an act constituting a Company of Riflemen in the town of Middlebury; An act altering the name of John Allen to that of Peter Wilcox; An act directing the treasurer to pay Edward Fifield the sum therein mentioned;" which said bills were severally read & it was Resolved to concur in passing the same into laws.

The engrossed bill entitled "an act to incorporate the Philo Harmonic Society in Brattleboro'," sent up for revision & concurrence &c. was read & nonconcurred & the reasons in writing sent to the Gen^{l} Assembly.

Rec^{d} a resolution directing the members of the County of Rutland to take into consideration the expediency of altering the times of holding the County Courts in said County.—read & concurred.

Rec^{d} the votes [proceedings & resolutions] of the town of Windsor in favor of a Bank with an order to refer the same to the Bank Committee, which were read & Concurred.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjourn^{t}.

Rec^{d} the following engrossed bills sent up from the house for revision & Concurrence &c. Viz.—"An act directing the treasurer to pay Alex^{r} Hutchinson the sum therein mentioned; An act directing the Treasurer to pay Solomon W. Burke the sum therein mentioned;" which were severally read & Resolved to concur in passing the same into laws.

Adjourned to 9 O'C. A. M. to morrow.

FRIDAY October 31, 1817. 9 O'C. A. M.

The Gov. & Council met pursuant to adjournment.

Rec^{d} a resolution directing the Military Com^{ee} to enquire into the expediency of appointing a L^{t} Col. of Squadron of Cavalry in 1st Division of Militia. Concurred.

Mr Peaslee excused *pro tempore*.

Rec^{d} from the house the engrossed bill entitled an act making appropriations for the benefit of the State's prison, sent up for Concurrence &c. which being read Resolved to concur in passing the same with proposals of amendment.—Mr Butler appointed to assign the reasons &c.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

His Excellency the Governor directed the following Communication to be sent to the House of Representatives,—

Hon^{l} William A. Griswold, Speaker of the House of Representatives: Sir,—Permit me through you to communicate to the Gen^{l} Assembly that the Hon^{l} Heman Allen, one of the Representatives elect from this State to the Congress of the United States, has communicated to me his intentions to resign his seat in Congress after the close of the ensuing session thereof. There being no provision in the existing laws for filling

any vacancy that may happen by resignation or otherwise, I would suggest therefore the propriety of providing by law for filling any vacancies that may happen. I am, Sir, &c. JONAS GALUSHA.

Rec^{d} the bill entitled an act reviving an act laying a tax of 2 cents pr acre in the town of Wolcott, with an order to refer the same to the joint land tax Com^{ee}—which being read concurred to refer.

Rec^{d} the bill for the relief of Chelsea Turnpike Company, which was read with an order to refer the same to the joint Turnpike Committee —whereupon Resolved to concur in said reference.

Rec^{d} a resolution of the house directing the Secretary of State to present the [American] Antiquarian Society with copies of the public & private acts of this State—which was read [and] Resolved to concur in passing said resolution.

Rec^{d} the bill freeing the body of Anthony Jones from imprisonment for the term of five years, with an order to refer the same to the joint Committee of insolvency, which was read & Resolved to concur in said reference.

Rec^{d} from the house the following engrossed bills sent up for revision & Concurrence &c. —"An act granting relief to the town of Reading; An act laying a tax of 3 cents pr acre on the town of Morristown; An act for the relief of Jon$^{a.}$ Kendall; An act altering the times of holding the sessions of the County Courts in the County of Rutland;" which were severally read &Resolved to concur in passing the same into Laws.

Adjourned to 9 O'C. A. M. to morrow.

SATURDAY Nov. 1, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjourn$^{t.}$

Rec^{d} the petition of Ziba Crocker with an order of the house referring the same to the joint Committee of insolvency — which being read Resolved to concur in said reference.

Rec^{d} the petition of Inhabitants of Mountholly with an order of the house to refer the same to the joint Military Committee—which was read & Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned with an order to refer the same to the joint Committee of Claims, which was read & Concurred to refer.

Rec^{d} the following engrossed bills sent up from the House for revision & Concurrence &c. —"An act directing the Treasurer to credit the town of Newark the sum therein mentioned; An act freeing the body of Rufus Campbell from arrest & imprisonment for the time of five years; An act laying a tax of 3 cents per acre on the town of Brunswick;" which being read Resolved to concur in passing the same into laws.

Rec^{d} his Excellency's Communication respecting the intended resignation of Hon$^{l.}$ H. Allen, Representative elect in Congress, with an order to refer the same to the judiciary Committee — which being read Resolved to concur in said resolution.

Rec^{d} information that the General Assembly had concurred in the proposals of am$^{t.}$ to the bill making appropriations for the benefit of the State's prison.

Resolved to nonconcur in passing the bill entitled an act constituting the Supreme Court of Judicature & County Courts &c. Mr Butler & Mr Doolittle app^{d} to assign the reasons to the house.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} from the House the following engrossed bills, sent up for revision & Concurrence &c. "An act altering the time of holding the session of the County Courts in the County of Essex; An act directing the Treasurer to pay Micajah Ingham the sum therein mentioned; An act for the relief of Henry Gould;" which were severally read & Resolved to concur in said bills & that the same become laws.

Adjourned to 8 O'C. A. M. Monday next.

Monday Nov. 3^{d}, 1817. 8 O'C. A. M.

Governor & Council met pursuant to adjourn^{t}.

Ordered by the Governor that the following Communication be sent to the Gen^{l}. Assembly:

To the Hon^{l}. William A. Griswold Speaker of the Gen^{l}. Assembly: Sir, — The Gen^{l}. Assembly are informed that in consequence of the acceptance of the office of Chief Judge of the Supreme Court by the Hon^{l}. Dudley Chase, who was recently elected to that office, he has resigned his seat in the Senate of the United States for the remainder of the term for which he was appointed.

Also that the Hon^{l}. William A. Palmer has declined the acceptance of his appointment of 1st Side Judge of the Supreme Court.

Also that Major Gen^{l}. William Cahoon has resigned his office of Major Gen^{l}. of the 4th division of Militia of this State.

The Gen^{l}. Assembly will please to take proper measures to fill the vacancies thus occasioned. I am &c. Jonas Galusha.

Rec^{d}. a bill to provide for erecting a Bridge across Otter Creek [in Vergennes;] An act relative to building & maintaining a Bridge across Onion River in the town of Richmond; An act relative to building & maintaining a Bridge in Barnet—with an order to refer the same to the joint Committee on the resolution respecting bridges & highways, which were read & Resolved to concur in said reference.

Rec^{d} the engrossed bill entitled "an act laying a tax on the town of Glover," sent up for revision & Concurrence &c. which was read & Resolved to concur in passing the same into a Law.

Rec^{d} the engrossed bill entitled "an act in addition to an act defining what shall be deemed & adjudged a legal settlement &c."—which was read & Concurred with proposals of amendment.—Mr Butler appointed to assign the reasons of Council to the House.

Adjourned to 2 O'C. P. M.

2 O'C. P. M. — Governor & Council met pursuant to adjournment.

Rec^{d} a resolution of the house appointing 2 O'C. P. M. this day a time for both houses to meet to elect a Judge of the Supreme Court, [and] a Major Gen^{l}. for the 4th Division. Also a resolution appointing 2 O'C. P. M. this day for both houses to meet to elect a justice of the peace for the County of Addison & other justices—which were read & Resolved to concur with an amendment erasing "2 *O'C. P. M. this day*" & insert "10 *O'C. A. M. to morrow.*"

Mr. Adams of the House came into Council Chamber & informed the Gov. & Council that the Genl. Assembly had concurred in the proposals of amendment to the above resolutions.

Adjourned to 9 O'C. A. M. tomorrow.

TUESDAY Nov. 4, 1817. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} a bill from the House for the encrease [to promote the breed of] Sheep, with an order thereon referring the same to the joint Com^{ee} of Agriculture—which being read Resolved to concur in said reference.

Rec^{d} the engrossed bills sent up for revision & concurrence &c. Viz. "An act appointing a collector for the town of Orwell; An act reviving & continuing in force an act therein mentioned;" which were severally read & the same were passed into Laws.

Rec^{d} the engrossed bill entitled an act in addition to an act constituting the Supreme Court of Judicature &c. sent up for concurrence &c. which being read Resolved to nonconcur in said bill & the reasons of Council therefor were sent to the Genl. Assembly in writing.

Governor & Council met the house in joint Committee to elect officers agreeably to a concurrent resolution &c. when the following officers were elected—Robert Temple Esqr was elected first Side judge [of the Supreme Court] & Lovell Hibbard Major Gen$^{l.}$ for the 4th division.

Rec^{d} an engrossed bill entitled an act appointing a board of Commissioners for the purposes therein mentioned, which was sent up for revision & concurrence &c. which being read Resolved to concur in passing the same into a Law with proposals of amendment.—Mr Doolittle appointed to assign the reasons.

Rec^{d} notice that the Gen$^{l.}$ Assembly had Concurred in the proposals of amendment made by the Governor & Council to the engrossed bill entitled an act to provide for laying out & altering the County road from Bellows Falls &c.

Voted that the Surveyor of public buildings be directed to secure books, maps & papers of the State in good boxes for safe keeping.

The ballots being taken, sorted & counted for a Surveyor of Public Buildings for the year ensuing, it appeared that Joshua Y. Vail had a majority of the Councillors present, [and he] was declared duly elected.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} a resolution app^{g} 3 O'C. P. M. this day a time for both houses to meet in their respective houses [rooms] to elect some suitable person as a Senator &c. & for both houses to meet in joint Committee immediately thereafter in the representatives' room & compare said ballots—which said resolution being read Resolved to concur in passing the same.

Rec^{d} the engrossed bill entitled "an act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," sent up for revision & concurrence &c. which was read & Resolved to concur in passing the same into a Law.

Mr Loomis of the House came into Council Chamber & gave notice that the House had convened & were ready to proceed on their part to ballot for a Senator. Ordered that the Secretary give notice to the Gen^{l} Assembly that the Governor & Council were now ready to proceed to ballot for some person as Senator &c. on their part—which notice was given to the Gen$^{l.}$ Assembly accordingly.

Resolved that the Governor & Council do now proceed to ballot for some suitable person to represent this State in the Senate of the United States in the room of the Hon^{l} Dudley Chase who has been elected to the office of Chief Judge of the Supreme Court.

The Ballots being taken, sorted & counted, it appeared that the Hon. James Fisk had a majority of the ballots of Council.

Mr Edmond of the House came into Council Chamber & informed the Governor & Council that the General Assembly had proceeded to give

their ballots for a Senator &c. & were now ready to meet the Governor & Council in the Representatives' room to compare ballots given by the respective houses.

The Governor & Council then proceeded to the Representatives' room & there met the House in joint Committee to compare the ballots given for a Senator as aforesd by the respective houses—& on comparing the proceedings of both houses it appeared that they both agreed in their respective ballots—That the Hon. James Fisk had a majority of the ballots in each of the two houses, & he was declared duly elected; the Governor & Council then returned to their Chamber & resumed the consideration of business.

Recd the preamble & Resolution from the State of Kentucky proposing an amendment to the Constitution of the United States, that no law varying the compensation of Members of Congress &c. with a resolution of the House declaring it inexpedient to adopt said proposed amendment —which being read Resolved to concur in said resolution of the house.[1]

Adjourned to 9 O'C. A. M. tomorrow.

Wednesday Nov. 5, 1817. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Recd notice that the Genl Assembly had concurred in the proposals of amendment to the bill appointing a board of Commissioners, & to the act relating to the settlement of paupers.

Recd from the House the following engrossed bills sent up for revision & concurrence &c. & which were passed: "An act directing the Treasurer to pay Daniel Goss the sum therein mentioned; An act in addition to an act for the probate of wills &c.; An act to legitimatize an illegitimate son of Joshua Quinton; An act assessing a tax for the support of Government; An act assessing a tax on the County of Windsor; An act directing the Treasurer of the State to pay the sums therein mentioned; An act appointing committee to lay out a County road from Burke to Lyndon Meeting house; An act appointing a committee to lay out a road as therein mentioned; An act in addition to an act entitled an act directing the mode of taking inquisition on the body of a person found dead; An act reviving a tax of 2 cents per acre on Worcester."

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Recd the engrossed bill entitled an act relating to the liabilities of Sheriffs & High Bailiffs, which was sent up for revision & concurrence &c. which being read it was Resolved to concur in passing the same with proposals of amendment & Mr Butler was appointed to assign the reasons.

Recd the following engrossed bill sent up for revision & concurrence &c.—An act laying a tax on the County of Essex," which being read Resolved to concur with the Genl Assembly in passing the same into a Law.

Recd the engrossed bill entitled "an act directing the Treasurer to pay Harvey Scott the sum therein mentioned," sent up for revision & Concurrence &c. which was read & nonconcurred & the reasons therefor in writing sent down to the House.

Recd the engrossed bill entitled "an act directing the Treasurer to pay Clapp Bolls & Samuel Buttterfield the sum therein mentioned," sent up

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[1] See *Appendix* C.

for revision & Concurrence &c. which was read & passed with proposals of amendment.—Mr Butler appointed to assign the reasons to the house.

Rec^{d} the engrossed bill entitled "an act laying a tax on the County of Washington," sent up for revision & Concurrence &c. which was passed with certain proposals of amendment.—Mr Butler appointed to assign the reasons to the house.

Mr Butler on motion & leave introduced the bill entitled "an act granting the privilege to the Inhabitants of Washington County to build a court house on the State house Common," which was read & passed & ordered to be sent to the Gen^{l} Assembly for concurrence.

Rec^{d} the engrossed bill entitled "an act in addition to an act directing the proceedings against the trustees of concealed & absconding debtors," which was read & passed with proposals of amendment. Mr Fay was appointed to assign the reasons to the House.

Rec^{d} the engrossed bill entitled "an act incorporating the President, Directors & Company of the Bank of Windsor," sent up for revision & concurrence &c. which was read & on the question Shall the bill be non-concurred? the Yeas & Nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Smith, Hammond, Doolittle, Peaslee, Butler, Chittenden, Bliss, Cahoon; *Nays*, Messrs. Keyes & Stanley. So the bill was nonconcurred.

Rec^{d} the engrossed bill entitled "an act incorporating the President & Directors of the Bank of Burlington," which was sent up for revision & Concurrence &c. & on the question Will the Governor & Council non-concur the Bill? the Yeas & Nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Smith, Hammond, Doolittle, Peaslee, Butler, Chittenden, Bliss & Cahoon—*Nays*, Messrs. Keyes & Stanley—So the Bill was nonconcurred. The reasons for nonconcurrence to the two foregoing bills were sent down to the house in writing.[1]

Rec^{d} the engrossed bill entitled "an act constituting the Supreme Court of Judicature, in addition thereto," sent up for revision & concurrence & proposals of amendment, which was read & passed with proposals of amendment. Mr Fay appointed to assign the reasons.

Adjourned to 8 O'C. A. M. to morrow.

Thursday November 6, 1817. 8 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr Keyes for reasons stated resigned his seat in Council.

Mr Edmond of the House returned to the Governor & Council the bill entitled "an act relating to the liability of Sheriffs & High Bailiffs," which had been sent down from the Council with proposals of amendment in which the house had nonconcurred — whereupon Resolved to suspend the passing of said bill until the next session of the General Assembly.

Rec^{d} a resolution of the Gen^{l} Assembly appointing 3 O'C. P. M. this day for both houses to meet in joint Committee to elect a Brigadier

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[1] The Burlington bill originally passed the House 82 to 73; but on receiving the Council's reasons for nonconcurrence the bill was rejected, 69 to 66. The Windsor bill was passed a second time, against the objections of Council, 71 to 55, and the Council concurred in this bill with amendments, which the House agreed to. For the act, which contained stringent provisions, see printed *Laws of Vermont*, 1817, p. 127.

Gen$^{l.}$ of the 1st Brigade & 4th division of Militia of this State in the room of Gen$^{l.}$ L. Hibbard promoted—which was read & Resolved to concur in said resolution.[1]

Rec^{d} from the house the following engrossed bills, sent up for revision & concurrence &c.—"An act in addition to an act incorporating certain persons by the name of the Centre Turnpike Company; An act appointing a Collector for the town of Whitingham; An act in addition to an act authorizing the inhabitants of towns & other corporations to maintain & defend suits at law &c; An act to incorporate the Vermont lead refining & manufacturing Company;" which were severally read & it was Resolved to concur in passing the same into laws.

Mr Clark of the house appeared in Council Chamber & returned the engrossed bill entitled "an act directing the proceedings against trustees of concealed debtors," which had been sent down to the house with proposals of amendment, in which the house had nonconcurred, & Mr Clark assigned the reasons—whereupon Resolved to rescind from the said proposals of amendment & that the bill pass & become a law.

Rec^{d} the following engrossed bills sent up for revision & Concurrence &c.—"An act to amend an act in addition to an act ascertaining the principles on which the list of this State is made &c.; An act in addition to an act defining the powers of Justices of the peace; An act to alter an act for regulating & governing the militia of this State"—which were read & passed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The following resolution was introduced by Mr Fay: Resolved, the Gen$^{l.}$ Assembly concurring herein, that both houses meet in the representatives' room at 7 O'C. A. M. tomorrow for the purpose of adjourning the legislature without day, & that all business that shall remain unfinished at that time shall be referred to the next session of the Gen^{l} Assembly—which was sent down to the house. Rec^{d} notice that the Gen$^{l.}$ Assembly had concurred in the above resolution.

Rec^{d} from the House the following engrossed bills, sent up for revision & concurrence &c.—"An act directing the treasurer to pay John Haynes the sum therein mentioned; An act in addition to an act for electing Representatives to the Congress of the United States &c.; An act in addition to an act for the regulation of Manufacturing Companies &c.; An act for the removal of Samuel Durkee to the State's prison; An act to promote the breed of Sheep & preserve the different breeds distinct; An act directing the treasurer to pay John P. Clough the sum therein mentioned;" which said bills were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} from the house the amendment to the Constitution of the United States proposed by the State of Massachusetts, with a resolution of the house adopting the same, which said resolution was nonconcurred—whereupon Resolved that it is inexpedient to adopt said proposed amendments & said resolution was sent to the Gen$^{l.}$ Assembly for concurrence.[2]

Rec^{d} the following engrossed bills sent up for revision & concurrence &c.—"An act in addition to an act relating to jails & jailors; An act granting relief to Ziba Crocker;" which were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} the engrossed bill entitled an act directing the treasurer to pay Harvey Scott the sum therein mentioned, which was nonconcurred in Council & sent to the House by whom it was again passed. It was now taken up & Resolved to concur in passing the same.

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[1] Samuel Lilley was elected.

[2] See *Appendix* C.

Rec^{d} the engrossed bill entitled "an act repealing a part of an act entitled an act laying duties on licenses for selling wines" &c., which was nonconcurred & the reasons were assigned & sent to the Gen^{l} Assembly.

Resolved to advize His Excellency the Governor & he is hereby advized to appoint the third Wednesday in April next to be observed as a day of public fasting & prayer throughout this State.

The vote of concurrence to the bill entitled "an act for the relief of Ziba Crocker" rescinded and the bill nonconcurred & the reasons for nonconcurrence sent to the house.

Rec^{d} the engrossed bill entitled "an act to provide for reports of the decisions of the Supreme Court," which was sent up for revision & concurrence &c. was now read & Resolved to nonconcur in passing the same & the reasons in writing were sent down to the house.

Mr Loomis of the house came into Council Chamber & returned the bill entitled "an act repealing a part of an act laying duties on licenses for selling wines" &c. which the house had again passed & sent up again for concurrence &c. which was again read & Resolved to concur in passing the same into a law.

Rec^{d} the engrossed bill establishing a Bank at Windsor which had been nonconcurred in Council—which was now returned to Council passed by the house—which being read it was passed with several proposals of amendment & sent to the house. Rec^{d} notice that the House had concurred with the said amendments.

Rec^{d} notice that the house had concurred in the resolution of Council respecting the amendment to the Constitution of the United States proposed by the State of Massachusetts.

Rec^{d} the engrossed bill entitled an act relating to jails & jailers sent up for revision & concurrence &c. which was passed with proposals of amendment & sent to the house for concurrence. Mr Butler assigned the reasons.

Adjourned to 7 O'Clock to morrow morning.

Friday Nov. 7, 1817. 7 O'C. A. M.

Governor & Council met pursuant to adjournment.

On motion & leave Mr Fay introduced the following Resolution—

Resolved that the Governor & Council entertain the highest sense of respect for the personal character of the Hon^{l} Elias Keyes, for his meritorious services as a member of this Council for a great number of years, & for the zeal, patriotism & persevering exertions he has ever exhibited in promoting the good of his fellow citizens.

Ordered that the Secretary present a copy of the above resolution to the Hon^{l} Elias Keyes.

The Governor & Council pursuant to the concurrent resolution of both houses proceeded to the representatives' room & after an address to the throne of grace was pronounced by the Reverend Chaplain, the General Assembly was adjourned without day.

I hereby certify that the foregoing from page 389 to 480 inclusive [of the manuscript *Council Journals*, Vol. 7,] is a true journal of the proceedings of the Governor & Council at their October Session A. D. 1817.

R. C. Mallary, *Secretary.*

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT MONTPELIER NOVEMBER 7, 1817.

STATE OF VERMONT ss.—A Journal of the proceedings of the Governor & Council of said State at a Session begun & holden at Montpelier in said State on the 7th day of November A. D. 1817 after the adjournment of the Legislature of said State without day.

His Excellency the Governor was pleased to issue the following notice to the Lt. Governor & the Hon$^{l.}$ the Members of Council—Viz.—

"STATE OF VERMONT ss.—I, Jonas Galusha, Governor in & over the said State of Vermont, to His Honor Paul Brigham, Lt. Gov., Honorable David Fay, Theophilus Crawford, Pliny Smith, Thomas Hammond, Joel Doolittle, Daniel Peaslee, W$^{m.}$ Cahoon, Ezra Butler, Truman Chittenden, Frederick Bliss, & Timothy Stanley, Councillors in & for said State of Vermont—GREETING:—

"You are hereby notifyed forthwith to attend in the Council Chamber at Montpelier in said State for the purpose of considering such matters & things as may then & there be submitted for your consideration.

"Montpelier Nov. 7, 1817. JONAS GALUSHA.

"By His Excellency's Command, R. C. MALLARY, *Secretary.*"

Pursuant to the foregoing notice the Hon$^{l.}$ David Fay, Theophilus Crawford, Thomas Hammond, Joel Doolittle, Daniel Peaslee, William Cahoon, Timothy Stanley, Ezra Butler, Truman Chittenden & Frederick Bliss appeared in Council Chamber & a quorum being formed His Excellency the Governor gave information that Robert Temple Esquire, who had been elected to the office of first Side Judge of the Supreme Court, had declined accepting that office.—Therefore Resolved to proceed to fill the vacancy thus occasioned. The ballots being taken, sorted & counted for first side judge of the Supreme Court, it appeared that the Hon$^{l.}$ Joel Doolittle had a majority of the ballots & was declared to be duly elected.

The Hon$^{l.}$ Joel Doolittle appeared in Council Chamber & took the several oaths required by law as first side Judge of the Supreme Court.

The foregoing from page 482 to 483 inclusive [of manuscript *Council Journals*, Vol. 7,] is a true journal of the proceedings of the Governor & Council at their Special Session begun & holden at Montpelier on the Seventh day of November 1817.

Attest, R. C. MALLARY, *Secretary.*

ROBERT TEMPLE was born in Braintree, Mass., in 1783, admitted to the bar of Rutland County in 1804, and settled in Castleton, removing subsequently to Rutland, where he died by his own hand October 7, 1834. He was Clerk of Rutland County Courts 1804 until 1819; Member and Secretary of the Council of Censors of 1813; and Secretary of the Governor and Council 1820 until 1823. He was an admirable Secretary; and the fact that he was elected to a judgeship of the highest class at the age of

thirty-four, indicates that he was relied upon for more important qualifications. Henry Hall of Rutland sketched him in 1870 as "the very able Robert Temple, of the same family as Lord Palmerston—like Gen. McClellan, a descendant of Gov. Bradford of the Mayflower—also a descendant of the good Godiva, wife of the Mercian Earl Leofric, the Saxon king-maker, one thousand years ago." The editor of these volumes remembers him as a large, well formed and well dressed gentleman, and a leader among the members of fashionable society at Montpelier, who were accustomed in his day to come annually from the principal towns of the State at the opening of the legislature. Possibly if he had accepted the judgeship, his family and friends would have been spared the terrible shock which the cause and manner of his death occasioned. The family is now ably represented by an estimable officer in the navy, Capt. WILLIAM G. TEMPLE, who should have been honored in the centennial celebration of Rutland.—*Vt. Hist. Magazine*, Vol. III, titles Castleton and Rutland; Deming's *Catalogue;* and *Vt. Legislative Directory*, 1876–7.

FORTY-SECOND COUNCIL.

OCTOBER 1818 TO OCTOBER 1819.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

EZRA BUTLER, Waterbury,
FREDERICK BLISS, Georgia,
PLINY SMITH, Orwell,
WILLIAM CAHOON, Lyndon,
TRUMAN CHITTENDEN, Williston,
TIMOTHY STANLEY, Greensboro',
DANIEL PEASLEE, Washington,
THOMAS HAMMOND, Pittsford,
THEOPHILUS CRAWFORD, Putney,
DAVID FAY, Bennington,
AARON LELAND, Chester,
ABEL TOMLINSON, Vergennes.

ROLLIN C. MALLARY, Castleton, *Secretary.*
CHAPIN KEITH, Barre, *Sheriff.*

BIOGRAPHICAL NOTICES.

AARON LELAND was pastor of the Baptist church in Chester at its organization in 1788, and he continued pastor until his death in 1833, a period of forty-five years. He was an active and influential politician of the Jeffersonian school, and had great influence in his town, county, and indeed through the State. He represented Chester in the Constitutional Convention of 1814; and in the General Assembly 1801 until 1808, 1809, 1810, and 1813, being Speaker of the House 1804 until 1808. He was Councillor 1818 until 1822, Lieut. Governor 1822 until 1827, and Presidential Elector in 1820. "His portly appearance in person overawed some, while his light and airy deportment sometimes displeased others." He was indeed so fat that he could neither put on nor take off his boots, and was as cheerful as fat—"a jolly Governor." But he had sterling qualities of character. Accustomed for many years to use alcoholic liquors freely, he joined in the early temperance movement

both by word and deed. Called to administer the rite of baptism, he became chilled, and was urged to protect himself by stimulants. "No," said he, "I will die first." And he did die on the third day thereafter. The editor had this anecdote from the late Doct. Julius Y. Dewey of Montpelier. The famous hotel men of the name of Leland are of the elder's family.— *Thompson's Vermont*, article Chester; Deming's *Catalogue;* and *Vt. Legislative Directory* 1876-7.

Abel Tomlinson was High Sheriff of Addison County 1819 until 1824. At the State election a "People's Ticket" was run in opposition to the regular Jeffersonian ticket, and Mr. Tomlinson of the people's prevailed over John Willard of the regular ticket. Mr. Tomlinson was a Republican, and was re-elected in 1819.—Swift's *History of Addison County;* and Deming's *Catalogue.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

October 1818.

State of Vermont, ss.—A Journal of the Proceedings of the Governor & Council of the State of Vermont begun & held at Montpelier in Said State on the Second thursday of October A. D. 1818, being the 8th day of said month. Present, His Excellency Jonas Galusha Governor, His Honor Paul Brigham Lt. Governor, The Honorable Pliny Smith, William Cahoon, Timothy Stanley, Thomas Hammond, Frederick Bliss, David Fay, Truman Chittenden, Theophilus Crawford of the Council— Rollin C. Mallary Secretary—Chapin Keith Esqr. Sheriff of Washington County.

Mr Buck of the Genl. Assembly came into Council Chamber & gave notice that the house had organized by choosing a Speaker & Clerk pro tempore & were ready to receive any communication that the Governor & Council might think proper to make. Ordered that the Secretary inform the General Assembly that the Governor & Council had convened & were ready to receive any communication that the General assembly might be pleased to make.

Resolved to proceed to the appointment of a committee to receive, Sort & Count the Votes for Governor, Lt. Governor, Treasurer, & Councillors for the Year ensuing—Messrs Fay, Cahoon, Smith, Chittenden & Stanley were duly appointed & Sworn to the faithful discharge of their duty.

Mr Woodbridge of the House came into Council Chamber & gave notice that the General Assembly had on their part appointed the Can-

vassing Committee. — Ordered that the Secretary inform the General Assembly that the Governor & Council had on their part appointed the Canvassing Committee--which was done accordingly.

Adjourned to 4 O'C. P. M.[1]

4 O'C. P. M.—Governor & Council met pursuant to adj^t.

Mr Haight of the House came into Council Chamber & gave notice that the General Assembly had convened & were ready to meet the Governor & Council to hear the report of the Canvassing committee.— Ordered that the Secretary inform the General Assembly that the Governor & Council will immediately attend in the Representatives' room to hear the report of the Canvassing Committee — which service was performed.

The Governor & Council attended in the Representatives' room agreeably to the above notice when the following report of the Canvassing Committee was read, Viz.

"To the Honorable General Assembly now Sitting — The committee appointed to receive, sort & count the votes for Governor, Lt. Governor, Treasurer & Councillors for the Year ensuing Do report & declare that His Excellency Jonas Galusha is elected Governor, His Honor Paul Brigham Lt. Governor, and Benjamin Swan Treasurer, & that the Honorable David Fay, Pliny Smith, Thomas Hammond, Aaron Leeland [Leland,] Abel Tomlinson, Theophilus Crawford, Daniel Peaslee, Truman Chittenden, Ezra Butler, William Cahoon, Frederick Bliss & Timothy Stanley are elected Councillors for the Year ensuing.

DAVID FAY *Chairman.*
JOHN H. COTTON *Clerk.*"

Whereupon the Governor & Council returned to their Chamber & adjourned to 9 O'C A. M. tomorrow.[2]

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[1] The election sermon was preached by Rev. Clark Kendrick.

[2] The votes for Governor were as follows: Jonas Galusha 15,243; scattering 749.

On canvassing the votes for Governor &c. the present session, it was found that a considerable number of the votes were *printed.* A question arose before the canvassing committee, whether by the constitution they could be counted — considerable debate arose — but on examining the constitution, it was decided by a large mojority, to *reject* the printed votes.—*Northern Sentinel* of Oct. 16 1818.

By the constitution, the freemen were required to bring in their votes for governor, &c. "*with his name fairly written.*" The Federalists had no party ticket in 1818, but generally voted for a State ticket headed by Gov. Galusha and Lieut. Governor Brigham, but otherwise embracing men of both parties. For the sixth Congressman there were four Republican candidates, receiving votes as follows: Orsamus C. Merrill 6,955, William A. Griswold 6,908, Rollin C. Mallary 6,879, and Gen. John Peck of Waterbury 6,582. Mr. Merrill was returned and took his seat, which was successfully contested by Mr. Mallary. In the *Vt. Hist. Magazine*, Vol. I, p. 622, it is stated that Mr. Griswold was in fact elected, but did not claim the seat.

FRIDAY October 9th, 1818. 9 O'C. A. M.

The Lt. Gov. & Council met pursuant to adjournment. Present His Honor Paul Brigham Lt. Gov. Of the Council The Hon. Messrs. Fay, Butler, Leland, Cahoon, Crawford, Hammond, Chittenden, Smith, Bliss & Stanley.

Mr Luce of the House of Representatives came into Council Chamber & gave notice that the General Assembly had appointed their officers & were ready to receive communications from the Governor & Council. Ordered that the Secretary give information to the General Assembly that they had organized & were ready to receive any communication that the House might be pleased to make—which Service was performed.

His Excellency ordered the Secretary to give notice to the House that he would attend in the representatives' room at 3 O'C. P. M. this day to take the oaths of office & make the Executive communication.

Received a resolution appointing 4 O'C. P. M. this day a time for both houses to meet in joint Committee to elect a Chaplain for the present Session of the house, which being read Resolved to concur in passing the same.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjt.

The Governor & Council proceeded to the Representatives' room, when His Excellency the Governor took the Oaths of office & made the following Speech.[1]

Both houses being now together, they proceeded to elect a chaplain for the Legislature during the present session pursuant to the concurrent resolution of both houses. The ballots being taken, sorted & counted, it appeared that the Revd Clark Kendrick of Poultney was duly elected. The Governor & Council returned to their Chamber & adjourned to 9 O'C. A. M. tomorrow.

SATURDAY October 10, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournt.

The petition of Josiah Moore praying to have fine & costs remitted which had been settled by note settled by bail—read & Ordered to be dismissed.

Recd notice that agreeably to the rules of the house, the Gen. Assembly had appointed the following committees to join from Council, Viz. A committee of 4 to be denominated the Military Comee. A Comee of 4 denominated the Judiciary Comee. A Commee of 4 denominated the committee of Claims. A Comee of 4 denominated the Turnpike Comee. A Commee of 4 denominated the Comee of Insolvency. A Commee of 4 denominated the Comee of Manufactures. A Commee of 4 denominated the Comee of Agriculture. A Commee of 4 denominated the land tax Comee. A Comee of 4 denominated the comee of new trials.

Mr Cahoon was appointed from Council on the Military committee. Mr Fay appointed on the Judiciary comee. Mr Butler appointed to join Committee of Claims. Mr Bliss appointed to join the Turnpike committee. Mr Smith appointed to join Commee of Insolvency. Mr Chittenden appointed on Comee of Agriculture. Mr Crawford appointed on land tax comee. Mr Leland on Comee of New Trials.

Received from the General Assembly the following petitions — The petitions of Jabez Delano—John Wilson, Samuel Foster, William Hix,

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[1] See *Appendix* A.

Joseph Sanford, Refine Weeks, Samuel Sumner, with an order of the House to refer the same to joint Com^ee^ of insolvency—which said petitions were severally read & it was Resolved to concur in referring the same.

Rec^d^ from the house the petition of the Shrewsbury Artillery Company, & of the Bennington County Artillery Company, with an order of the House to refer the same to the joint Military Committee, which being severally read Resolved to concur in said reference.

Rec^d^ the petition of the selectmen of Salisbury with an order to refer the same to the joint Com^ee^ of Claims, which being read Resol'd to concur in said reference.

The petitions of Poultney Turnpike Company, of Waltham Turnpike Company & of the Green Mountain Turnpike Company with an order of the house on each referring the same to the joint Turnpike Committee, which being read Resolved to concur in said reference.

Received from the House the Petitions of Groton, Coit's Gore, Essex, Vineyard, Albany & of Eden each praying a land tax, with an order of the House on each referring the same to the joint Land tax Committee, which being read Resolved to concur in the above reference of said Petitions.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Received from the House a resolution appointing tuesday next at 4 O'C. P. M. a time for both houses to meet in County Conventions for nominating County officers & that both houses meet in Representatives' room on Wednesday next at the opening of the house in the morning for the purpose of making said appointments, which was read & thereupon Resolved to concur in passing said resolution.

Rec^d^ from the House the petition of Kenny & Davis with an order to refer the same to a committee of two [to] join from Council — which being read Resolved to concur in said reference & Gov. Brigham appointed to join.

The Petition of Jacob Kent was rec^d^ from the house with an order thereon referring the same to the Committee raised on the Petition of Kenney & Davis — which being read thereupon Resolved to concur in said reference.

Rec^d^ the petition of Jonathan Leverett with an order of the House to refer the same to a Com^ee^ of 4 to join from Council, which being read Resolved to concur in said reference & Mr Bliss appointed.

The Petition of James Harrington was rec^d^ with an order to refer the same to the joint committee on the Petition of Jonathan Leverett — which being read Resolved to concur in said reference.

The Petition of John S. Larabee was rec^d^ with an order to refer the same to a com^ee^ of 4 to join from Council—which being read Resolved to concur in said reference & Mr Bliss app^d^.

The Petitions of Archibald Ferris & Samuel Strong were rec^d^ with an order of the house to refer the same to the joint Committee on the petition of John S. Larabee, which being read it was Resolved to concur in said reference.

The petition of Adoniah Schuyler was rec^d^ from the House with an order to refer the same to the [a] Committee of 4 to join, which was read & Resolved to concur & Mr Stanley appointed.

Rec^d^ the Petition of the Trustees of Brandon Academy with an order of the House to refer the same to a Committee of 2 to join—which being read Resolved to concur in said reference & Mr Stanley app^d^.

Rec^d^ the Petition of the Bail of Bennett Palmer with an order of the

House referring the same to a Committee of three to join from Council, which being read Resolved to concur in said reference & Mr Cahoon appd.

Recd the petition of Amos Felton with an order of the house referring the same to a committee of 4 to join, which being read Resolved to concur in said Reference & Mr Cahoon was duly appointed on the part of Council.

The Petition of Jabez Rogers was recd with an order to refer the same to a committee of three to join from Council, which being read Resolved to concur in said reference & Mr Hammond was appointed.

The Petitions of Thomas E. Williams—of Joseph Mills, were recd with an order of the house to refer the same to the joint Committee of insolvency, which being read it was thereupon Resolved to concur in said reference.

Recd the Petitions of the Fairfax Artillery Company & of the Monroe rifle Company, with an order of the House on each referring the same to the joint Military Committee, which being read Resolved to concur in said reference.

Recd the Petitions of Eben Conant, Jonathan Fassett, of John Barns, with an order of the house to refer the same to the joint Committee of Claims—which being read Resolved to concur in said reference.

The petition of Inhabitants of Ripton with an order of the House was recd & on being read Resolved to concur in said reference.

Adjd. to 9 O'C. A. M. Monday next.

Monday October 12, 1818. 9 O'C. A. M.

Gov. & Council met pursuant to adjournment.

Hon. Abel Tomlinson Councillor elect came into Council Chamber took the oaths of office & entered upon the duties of his said office.

His Excellency the Governor was pleased to appoint Rollin C. Mallary Secretary for himself & Council, who was duly sworn to the faithful discharge of the duties of his office.

Recd from the House the Petitions of Kirby, Berkshire, Hydepark, Belvidere, Sherburn, an act for a tax on Braintree—an act for a tax on Parker's gore—an act for a tax on Hardwicke — with an order of the House on each referring the same to the joint Land tax Committee — which were severally read & Resolved to concur in said references.

The petitions of Martin Field & others—of Inhabitants of Brattleboro —of Brattleboro Artillery Company—of Militia officers for a revision of Militia laws; of the 4th Company of Cavalry 1 Brigade 2d Division with an order of the house on each referring the same to the Military [Committee,] which were severally read & Resolved to concur in said reference.

Recd the petition of John Stanly & others—Inhabitants of Poultney—Remonstrance of Inhabitants of Poultney—Pets. for a Turnpike in Windham County—of Inhabitants of Clarendon with an order of the house on each referring the same to the Joint Turnpike Committee, which being severally read Resolved to concur in said Reference.

The Petitions of Barna Pratt—of Rich Stevens—of Joshua Buswell—Thomas Hill & al. of Pitt W. Hyde with an order of the house on each referring the same to the Joint Committee of Claims—which being read Resolved to concur in said reference.

Recd from the House the bill to provide for the erection of a Bridge across Otter Creek with an order of the House thereon referring the same to a Committee of 4 to join from Council—which being read Resolved to concur in said reference & Mr Crawford appointed.

The petition of Zatter Butterfield was rec^{d} with an order of the House referring the same to the joint Committee on the Bill to erect a bridge across Otter Creek—which being read Resolved to concur in said reference.

Rec^{d} the Petition of John Willard for a new trial with an order of the house thereon referring the same to the Joint committee of new Trials, which was read & Resolved to concur in said reference.

The Petition of Elisha Brigham was rec^{d} with an order of the House appointing a committee on the same of 4 to join, which being read Resolved to concur in said reference and Mr Leland appointed.

The Petition of Elias Kent was rec^{d} from the House with an order referring the same to the joint Committee on the Petition of Elisha Brigham—which being read Resolved to concur in said reference.

The Petitions of Truman Powell—of James Sawyer, Jason Evans, Avery Dennison, Calvin Fairbanks Jr., with an order of the House were rec^{d} referring the same to the Joint Committee of Insolvency, which being read Resolved to concur in said reference.

The Petition of Rebecca Dennett was rec^{d} with an order of the House thereon referring the same to the [a] Committee of 2 to join, which was read & Resolved to concur in said reference & Mr Tomlinson appointed to join from Council.

The Bill for the relief of Jeremiah Virginia & the Petition of John Morrison were rec^{d} with an order of the house thereon referring the same to the joint Committee on the petition of Rebecca Dennett, which being read Resolved to concur in said reference.

Rec^{d} the following bills from the House: an act relating to jails & jailers, and an act for the relief of Insolvent debtors, with orders referring the same to the Judiciary Committee—which were severally read & Resolved to concur in said reference.

Rec^{d} the resolution from the State of North Carolina respecting certain proposed amendments to the constitution of the United States with an order of the House thereon referring the same to a com^{ee} of 6 to join such com^{ee} as the Gov. & Council may appoint, which being read Resolved to concur in said reference & Mr. Hammond app^{d}. to join from Council.

Rec^{d} resolutions from New Jersey respecting amendments to the constitution of the United States with an order of the House referring the same to the joint Committee raised on the resolutions from North Carolina, which were read [&] Resolved to concur in said reference.[1]

The petitions of Inhabitants of Reading & Plymouth were rec^{d} with an order to refer the same to a Committee of 4 to join, which were read & Resolved to concur in said reference & Mr Stanley appointed.

The petition of Selah Gridley & Theodore Woodward was rec^{d} with an order to refer the same to a committee of 4 to join, which was read & Resolved to concur in said reference & Gov. Brigham app^{d}.

The petition of Mary Bowles was rec^{d} with an order to refer the same to a com^{ee} of 4 to join, which was read & Resolved to concur in said reference & Mr Smith was appointed.

Rec^{d} the Bill relative to Building a Bridge in Barnet with an order of the house to refer the same to a Committee of 2 to join from Council & Mr Tomlinson was appointed to Join.

The Petition of Heman Johnson was rec^{d} with an order of the house to refer the same to the joint Com^{ee} on the petition of Jonathan Leverett —which being read Resolved to concur in said reference.

Rec^{d} a resolution of the house appointing a committee of the house to take into consideration the propriety of establishing two probate dis-

[1] See *Appendix* C.

tricts in the County of Addison, which being read Resolved to concur in passing said resolution & Mr Fay was appointed to join.

The petition of Benjamin W. Harwood, a convict in the State's Prison, was read & on the question Shall the prayer thereof be so far granted as relates to further imprisonment? the yeas and nays were called for and were as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley — so the prayer was granted & a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The petition of Jacob Miller, a convict in the State's Prison, praying for a pardon, and on the question Shall the prayer thereof be so far granted as relates to fine, costs & further imprisonment, the Yeas & Nays were called for & taken as follows Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Leland, Smith, Hammond, Butler, Chittenden, Bliss, Cahoon, & Stanley. *Nays*, Messrs Crawford & Tomlinson—so the prayer was granted & a pardon issued accordingly.

The Petition of William Morse, a convict in the State's Prison praying for a pardon, and on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & costs, the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Cahoon, Bliss & Stanley. *Nay*, Mr. Crawford—so the prayer was granted & a pardon issued accordingly.

The Petition of Oren Willard, a convict in State's prison praying for a pardon, was read & on the question Shall the prayer thereof be granted so far as relates to further imprisonment, fine & Costs, the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley—*Nays* none—so the prayer of said petition was granted & a pardon issued accordingly.

The petitions [of] Benjamin Lewis & E. Marble, Convicts in State's prison, were read praying for pardons, [and] were Ordered to be dismissed.

The accounts of Solomon W. Burke, of Thos. Leverett & the Petition of Truman Purdy were recd with an order on each referring the same to the Committee of Claims—which were read & concurred to refer the same.

The petition of Darius Ferris was recd with an order of the House referring the same to the joint Committee on the petition of John S. Larabee, which being read Resolved to concur in said reference.

Recd from the House the petitions of Winhall, Calais, Lunenburgh, Concord, Stratton, Middlesex, & Chittenden with an order of the house on each referring the same to the Joint Land tax Committee, which being read Resolved to concur in said reference.

The petition of Baruck Bolster was recd with an order of the House referring the same to the joint Committee on the petition of Rebecca Dennett, which being read Resolved to concur in said reference.

Recd the petitions of Joseph Huntington, E. Freeman, E. Hind, John Mills, Jona. Smith, Nathan Ball & John Merriam with an order of the House on each referring the same to the Committee of insolvency, which being read, Resolved to concur in said reference.

Petition of Artillery Company 2d Regt 2d Brigade & 1st Division & Petition of inhabitants of Londonderry with an order of the House on each referring the same to the military Committee—which being read Resolved to concur in said reference.

Rec^{d} the Petition & remonstrance of Inhabitants of Townshend, Inhabitants of Windham, with an order of the house to refer the same to the joint Committee on the bill for bridge across Otter creek—which being read Resolved to concur in said reference.

Rec^{d} the Petition of Inhabitants of Fairfield with an order to refer the same to a Committee of 2 to join, which being read Resolved to join & Mr Chittenden appointed.

The Petition of Centre Turnpike was rec^{d} with an order of the house referring the same to the joint Turnpike Committee, which being read Resolved to concur in said reference.

Rec^{d} the Petition of Inhabitants of Peacham with an order of the house to refer the same to the [a] Committee of 2 of the house to join from Council, which being read it was thereupon Resolved to concur in said reference & Mr Chittenden was appointed.

Adjourned to 9 O'C. A. M. to morrow.

TUESDAY October 13, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The Petition of C. S. Harris, a convict in the State's Prison, was read & dismissed.

Rec^{d} the petition of S. Bell with an order of the House to refer the same to the Committee of Claims, which being read it was Resolved to concur in said reference.

The petition of William Goodnow was rec^{d} with an order to refer the same to the joint committee on the Petition of Jabez Rogers — which being read Resolved to concur in said reference.

Rec^{d} from the House a resolution instructing the Judiciary Committee to enquire into the Expediency of amending &c. the law reducing into one the several acts relating to laying out, making & repairing highways, which being read Resolved to concur in passing said resolution.

Rec^{d} the Petition of Thomas Foster with an order of the house to refer the same to the joint Committee on the petition of Rebecca Dennett, which being read Resolved to concur in said reference.

Rec^{d} from the House a resolution instructing the Judiciary Committee to enquire into the expediency of declaring by law who should inherit property in certain cases, which being read Resolved to concur in said Resolution.

Rec^{d} the petition of Elizabeth Hammond, with an order of the house to refer the same to a committee of 2 to join, which being read Resolved to concur & Mr Hammond appointed.

The petition of Jotham Forbes was rec^{d} with an order of the House referring the same to a Com^{ee} of 2 to join, which being read Resolved to concur in said reference & Mr Stanley appointed.

Rec^{d} the petition of Sylvester Treat with an order of the House referring the same to a com^{ee} of 4 to join, which being read Resolved to concur in said reference & Mr Tomlinson app^{d}.

Rec^{d} the Bill for the relief of the Fairhaven Turnpike Company with an order of the house to refer the same to the Turnpike Committee—which was read & Resolved to concur in said reference.

The petition of the Town of Windsor was rec^{d} with an order of the house referring the same to the [a] Committee of 2 to join, which was read & Resolved to concur & Mr Leland was appointed.

The petition of John Church Jr. a convict of State's Prison was read praying for a pardon—And on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & costs ? the yeas & nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham,

Messrs. Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, & Cahoon. *Nays*, none—So the prayer of said petition was granted & a pardon issued accordingly.

The petition of George Wilson, a convict of State's prison, praying for a pardon, was read & on the question Shall the prayer of said petition be so far granted as relates to further imprisonment, fine & costs ? the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon, Stanley. *Nays* none—So the prayer of said petition was granted & a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the Petition of Stow, Hyde Park & others with an order of the House to refer the same to the [a] Committee of 2 to join, which being read Resolved to concur & Mr Tomlinson appointed.

Rec^{d} the bill to provide for reports of decisions of the Supreme Court, with an order to refer the same to the Judiciary Committee, which being read Resolved to concur in said reference.

Rec^{d} the petition of Nathaniel Nickols, with an order of the house to refer the same to the joint Committee of Claims, which being read Resolved to concur in said reference.

Rec^{d} the petitions of Fayston—of Canaan, with an order of the house to refer the same to the land tax Committee, which being read Resolved to concur in said reference.

The petition of Ichabod Hathaway with an order of the House to refer the same to the joint Committee of Insolvency was rec^{d} and read whereupon Resolved to concur in said reference.

Rec^{d} a resolution instructing the Judiciary Committee to inquire into the expediency of amending an act relating to Jails & Jailers for relief &c. by extending the benefit of the poor debtor's [oath to persons] confined on attachments, which was read & Resolved to concur in passing said resolution.

Adjourned to 9 O'C. A. M. to morrow.

Wednesday October 14, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adj^{t}.

Rec^{d} the engrossed bill entitled "an act directing the Treasurer to pay Phinehas Strong the sum therein mentioned," sent up for concurrence &c. which being read Resolved to concur in passing the same into a Law.

The petition of A. [N.] W. Kingman & H. Wilkins was rec^{d} with an order of the House to refer the same to a com^{ee}. of 4 to join, which being read Resolved to concur in said reference & Mr Hammond app^{d}.

Rec^{d} the petition of Inhabitants of Burke for a tax, which was read with an order of the house to refer the same to the [a] Committee of 2 to join, which being read Resolved to concur in said reference & Mr Smith appointed.

The petition of John Beckwith was rec^{d} with an order of the House to refer the same to a com^{ee} of 2 to join, which being read Resolved to concur in said reference & Mr Chittenden was appointed.

The petition of Plymouth & other towns was rec^{d} with an order of the house to refer the same to a com^{ee} of 4 to join, which was read & Resolved to concur in said reference.

The petition of Amos W. Barnum was rec^{d} with an order of the house referring the same to the Committee on the Vergennes Bridge bill, which being read it was Resolved to concur in said reference.

The Petitions of Ichabod Peck, of L. Q. C. Bowles, Levi Bellows, of Joseph Watson with an order of the house on each referring the same to the joint Committee of insolvency, which being read Resolved to concur in said reference.

Rec^{d} the remonstrances of the Inhabitants of Ludlow with an order of the house to refer the same to the joint Committee on the petition of the Inhabitants of Plymouth; which being read Resolved to concur in said reference.

Rec^{d} the bill laying a tax on the town of Worcester with an order of the house to refer the same to the joint land tax committee, which being read Resolved to concur in said reference.

Rec^{d} the bill entitled an act directing the treasurer to pay Benjamin Martin the sum therein mentioned with an order to refer the same to the joint Committee of Claims, which being read Resolved to concur in said reference.

His Excellency the Governor made the following communication to the General Assembly:

To the Hon. Richard Skinner Speaker of the House of Representatives. Sir. I transmit to you for the information & consideration of the General Assembly the accompanying papers respecting proposals of amendment to the Constitution of the United States made by the several States. The General Assembly will please to adopt such measures in relation thereto as they may in their wisdom deem expedient. With respect &c. JONAS GALUSHA.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The petition of Cyrus Jones, a convict of State's prison, was read, praying for pardon, and on the question Shall the prayer thereof be so far granted as relates to the fine, costs & further imprisonment? the yeas & nays were called for & taken as follows, [*Yeas*,] Gov. Brigham, Messrs. Fay, Crawford, Smith, Hammond, Leland, Tomlinson, Butler, Bliss, Cahoon, Chittenden & Stanley. Yeas, *Nays*, none, so the prayer was granted & a pardon issued accordingly.

The petition of Inhabitants of Brookline was rec^{d} with an order of the house to refer the same to a committee of 4 to join, which being read Resolved to concur in said reference & Mr Leland app^{d}.

Petition of Inhabitants of Weybridge, of Newhaven, & remonstrance of Weybridge were rec^{d} with an order of the House to refer the same to a Com^{ee} of 2 to join, which being read Resolved to concur in said reference & Mr Hammond app^{d}.

The petition of Eliakim Squires, of Thomas Dodge Jr. with an order of the house on each, referring the same to the joint Committee of Insolvency, which being read Resolved to concur in said reference.

Rec^{d} the petition of John Chandler with an order of the house to refer the same to the judiciary Committee, which being read Resolved to concur in said reference.

The petitions of the Artillery Company of the 3^{d} Reg^{t} 3 Brigade & 4th Division, of Nathan Fuller, with an order of the house on each to refer the same to the joint Committee of Claims, which being read Resolved to concur in said reference.

The petition of Levi Higbee, a convict of State's prison, praying for a pardon, was read, & on the question Shall the prayer be so far granted as relates to further imprisonment, fine & costs? the yeas & nays were called for & taken as follows—*Yeas*, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley. *Nay*, Gov. Brigham—so the prayer was granted & a pardon issued accordingly.

The Petition of Franklin Burt, a convict of State's prison praying for a pardon, & on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & Costs? the yeas & nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley. *Nays* none—so the prayer was granted accordingly & a pardon issued in due form of Law.

The petition of Ebenezer Burt, a convict in Vermont State's Prison praying for pardon, & on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & costs? the yeas & nays were called for & taken as follows, to wit,—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Tomlinson, Cahoon & Stanley. *Nays*, Messrs. Hammond, Chittenden & Bliss—so the prayer was granted & a pardon issued accordingly.

The petitions of D. Robinson Jr. & A. Chase, convicts in the State's prison praying for pardon, read & dismissed.

The petition of Stephen M^c^Connell, a convict in the State's prison praying for a pardon, & on the question Shall the prayer be so far granted as relates to further imprisonment, fine & Costs? the yeas & nays were called for & taken as follows, Viz. *Yeas*, Messrs. Fay, Leland, Smith, Hammond, Tomlinson, Chittenden, Bliss, Cahoon & Stanley. *Nays* none—so the prayer was granted & a pardon issued accordingly.

Adj^d.^ to 9 O'C. A. M. to morrow.

THURSDAY October 15, 1818. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

The Petition of Luther Virginia, a convict in State's prison praying for a pardon, & on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & Costs—the yeas & nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley. *Nays* none—so the prayer was granted & a pardon was issued accordingly.

The petition of John Louks, a convict of State's prison, read & dismiss^d.^

Rec^d^ the petitions of Sylvanus Aldrich, Jon^a.^ Cady, Justus Warren, Thomas Hodgkiss—with an order of the house to refer the same to the joint Committee of insolvency, which being read Resolved to concur in said reference.

Rec^d^ the petitions of Farnsworth & Farwell—of John Keep with an order of the house on each to refer the same to the joint Committee of Claims—which were read & Resolved to concur in said reference.

The petition of Inhabitants of Windsor for a Bank was rec^d^ with an order of the House to refer the same to a committee of 6 to join, which being read Resolved to concur in said reference & Mr Fay was app^d.^

Rec^d^ the Bill to incorporate the Windham County bank—Petition of Inhabitants of Brattleboro; of Chester; 2 petitions of Wethersfield; petition of Woodstock, & Petition of Inhabitants of Windsor for a Bank were rec^d^ with an order of the house on each referring the same to the joint Committee on the Petition of Inhabitants of Windsor for a bank, which being read Resolved to concur in said reference.

The petition of Craftsbury & other towns was rec^d^ with an order of the house to refer the same to the [a] Committee of 2 to join, which being read Resolved to concur in said reference & Mr Tomlinson app^d.^

The Petition of Inhabitants of Johnson was rec^d^ with an order of the house to refer the same to a committee of 4 to join & Mr Bliss appointed.

The petition of the Inhabitants of Brandon was rec^{d} from the House with an order thereon referring the same to a committee of 2 to join, which being read Resolved to concur in said reference & Mr Smith appointed.

Mr Hammond excused from the Committee on the petition of Kingman & Wilkins & Mr Bliss appointed.

The petition of Walter Towner a convict of State's prison praying for a pardon was read & on the question Shall the prayer thereof be granted so far as relates to further imprisonment, fine & Costs ? the yeas & nays were called for & taken as follows Viz. [*Yeas*,] Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley. *Nays* none, so the prayer was granted & a pardon issued accordingly.

The Petition of William Davis a convict in State's Prison praying for a pardon was read & on the question Shall the prayer thereof be so far granted as relates to further confinement, fine & costs ? the yeas & nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs Fay, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss & Stanley—10. *Nays*, Messrs. Crawford & Cahoon—2—so the prayer was granted & a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

Gov. & Council met pursuant to adjournment.

The petitions of Moses Niles & Barak M^{c}Donald, Convicts in State's prison, read & dismissed.

The petition of Charles Sangster a convict of State's prison was read praying for a pardon—& on the question Shall the prayer thereof be granted so far as relates to fine, costs & further imprisonment ? the yeas & nays were called for & taken as follows Viz. *Yeas*, Gov. Brigham, Messrs Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley; *Nays* none—so the prayer was granted & a pardon issued accordingly.

The petition of Lyman Johnson a convict of State's prison praying for pardon was read & on the question Shall the prayer be so far granted as relates to further imprisonment, fine & costs ? the yeas & nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Smith, Hammond, Tomlinson, Butler, Chittenden & Bliss & Stanley. *Nays*, Messrs. Leland & Cahoon—so the prayer was granted & a pardon issued accordingly.

Rec^{d} a resolution of the House appointing 10 O'C. A. M. to morrow a time for both houses to meet in joint [committee] to elect judges of Supreme Court; which being read Resolved to concur in said resolution.

Rec^{d} the bill entitled an act to incorporate the Bank of Burlington with an order of the house to refer the same to the joint Bank Committee, which being read Resolved to concur in said reference.

Rec^{d} the petition of Annis Jenks with an order of the house to refer the same to the joint Judiciary Committee, which being read Resolved to concur in said reference.

Rec^{d} the Petition [of] Patterson & Blodgett with an order of the house to refer the same to the joint Committee on the Petition of Rebecca Dennett—which being read Resolved to concur in said reference.

Rec^{d} the petitions of Peaslee & Haswell—of Charles Story, Casper R. Edson, with an order of the house on each referring the same to the joint Committee of insolvency, which being considered Resolved to concur in said reference.

Rec^{d} from the Gen$^{l.}$ Assembly the following resolution :

"In Gen$^{l.}$ Assembly October 15, 1818. Resolved that his Excellency the Governor be requested by & with the advice of Council to

appoint thursday the 3d day of December next to be observed as a day of public thanksgiving & praise throughout this State.
Adopted. W. D. SMITH, *Clerk.*"

Which being read Resolved to concur with the house in said resolution.

The petition of Inhabitants of Peru was recd with an order of the house to refer the same to the committee on the petition of the Inhab'ts of Fairfield—which being read Resolved to concur in said reference.

Recd the petition of Inhabitants of New Fane, & an act designating the boundary line between Landgrove & Peru with an order to refer them to the joint Committee on the petition of Fairfield — which being considered Resolved to concur in said reference.

Recd the Petition of Morgan, Navy [Charleston] &c. with an order to refer the same to the joint Committee on the petition of the Inhabitants of Burke, which being considered Resolved to concur in said reference.

The petition of the White river Turnpike Company was recd with an order to refer the same to the joint Turnpike comee, which being considered Resolved to concur in said reference.

Recd the petition of Waterford with an order of the House to refer the same to the joint land tax Committee, which being considered Resolved to concur in said reference.

Recd a resolution of the house instructing the Judiciary committee to [examine] the law relating to suits in ejectment for the nonpayment of Rent—which being read Resolved to concur in passing said resolution.

Adjourned to 9 O'C. forenoon to morrow.

FRIDAY October 16, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Recd three petitions from Inhabitants of Rochester with an order of the house referring the same to a committee of three to join, which being read Resolved to concur in said reference & Mr Chittenden appointed.

The petitions of Otis Howe, of Oliver Perry were recd with an order of the house [to] refer the same to the committee of insolvency which being considered Resolved to concur in said reference.

The Petition [of] Jabez Penniman & others with an order of the house to refer the same to the members of Chittenden County to join — which being read Resolved to concur in said reference & Mr Chittenden appointed.

The petition of Gerardus Booth was recd with an order to refer the same to the joint Comee of new trials; which being read Resolved to concur in said reference.

Recd the Bill directing the Treasurer to pay N. Jewett the sum therein mentioned, with an order to refer the same to the joint Committee of Claims—concl.

Recd the petition of Sally Lord with an order of the house to refer the same to the joint committee on the petition of R. Dennett, which being read Resolved to concur in said reference.

The petition of the Inhabitants of Ryegate was recd with an order to refer the same to the joint Military Committee, which being read Resolved to concur in said reference.

Recd a resolution instructing the judiciary committee to enquire into the expediency of altering the laws so that the persons of debtors shall not be imprisoned — which was read & Resolved to concur in said resolution.

The petition of Josiah Chamberlin, a convict of State's prison, was read & on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fines & costs, the yeas & nays were called [for] & taken as follows Viz. *Yeas*, Gov. Brigham, Messrs Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley. *Nays* none—so the prayer was granted & a pardon issued accordingly.

Governor & Council met the house of Representatives in joint Committee to complete the County appointments & after progress the said committee adjourned to Wednesday next at the opening of the house in the morning. The joint Committee then proceeded agreeably to resolution of both houses to elect judges of the Supreme Court & the Hon. Dudley Chase was appointed Chief Judge, & the Hon. Joel Doolittle & William Brayton assistant Judges for the year ensuing. The Gov. & Council returned to their chamber & adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

The petition of Inhabitants of Fairfield, Sheldon, Franklin, with an order of the house to refer the same to a Com^ee^ of 2 to join which being read Resolved to concur in said reference & Mr Cahoon appointed.

The petition of Elnathan Keyes for a toll bridge & the remonstrance of Inhabitants of Franklin Co^y^ with an order of the house on each to refer the same to a [the] committee on the Petition of Inhabitants of Fairfield &c. which being read Resolved to concur in said reference.

Rec^d^ the petition of Inhabitants of New Haven with an order of the house to refer the same to the committee on the petition of Amos Felton —which being read Resolved to concur in said reference.

Rec^d^ from the General Assembly the bill directing the Treasurer to pay William Fay the sum therein mentioned with an order to refer the same to the joint Committee of Claims—whereupon it was Resolved to concur in said reference.

Rec^d^ the report of the Superintendent of the State's prison with an order of the house appointing a committee of 6 to join which being considered Resolved to concur in said reference & Mr Leland was appointed.

Rec^d^ the bill for the relief of the Green Mountain Turnpike Company with an order of the house to refer the same to the Turnpike Committee, which was considered & Resolved to concur in said reference.

The petitions of Alpheus Warner & Mary Davison, Convicts in State's prison, read & dismissed.

The petition of Ebenezer Cox Jr. a convict of State's prison, was read & on the question Shall the prayer be so far granted as relates to fine, costs & further imprisonment, the yeas & nays were called for & taken as follows, Viz—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Butler, & Chittenden—7. *Nays*, Messrs. Hammond, Tomlinson, Bliss, Cahoon & Stanley—5.—So the prayer was granted & a pardon issued according.

Adjourned to 9 O'C. A. M. to morrow.

SATURDAY October 17, 1818. 9 O'C. A. M.

Gov. & Council met pursuant to adjournment.

The petitions of S. Downs, T. Crawford, C. Patrick, I. Whitney, L Noble & John Church, convicts of State prison, were read & dismissed.

The petition of William Scott was rec^d^ with an order of the house to refer the same to the joint Judiciary committee, which being read Resolved to concur in said reference.

The petitions of the Artillery Co. in North Hero, Inhabitants of Woodstock, of Artillery company of 4 Regt 1st Brigade with an order of the house to refer the same to the joint Military Committee—which were read & Resolved to concur in said reference.

Recd the petition of Cornelius Young, with an order of the house to refer the same to the joint committee on the petition of Jabez Rogers, which was read & Resolved to concur in said reference.

Recd the petition of Seth Cushman & others; remonstrance of the Inhabitants of Groton, with an order of the house to refer the same to the joint Land tax committee—Resolved to concur in said reference.

Recd the petition of George Antrim—the Bill for [to pay] Ebenezer Locke—with an order of the house to refer the same to the joint Committee of Claims, which being duly considered Resolved to concur in said reference.

The petition of Peter Rock, a convict in the State's prison praying for pardon—on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & Costs, the yeas & nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss, Cahoon & Stanley. So the prayer of said pet. was granted & a pardon issued accordingly.

The petition of Francis Fertur a convict in State's prison praying for a pardon was read & on the question Shall the prayer thereof be so far granted as relates to the further imprisonment, fine & costs, the Yeas & Nays were called for & taken as follows: *Yeas*, Gov. Brigham, Messrs. Fay, Leland, Smith, Hammond, Tomlinson, Butler, Bliss, Cahoon & Stanley. *Nay*, Mr. Crawford. So the prayer was granted & a pardon issued accordingly.

The petition of Mary Davison was read praying for a pardon, she being a convict in the State's prison, & on the question Shall the prayer thereof be so far granted as relates to further fine, imprisonment & costs? the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Smith, Hammond, Tomlinson, Butler, Bliss, Cahoon & Stanley. *Nay*, Mr Crawford—so the prayer of said petition was granted & a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment & adjourned until Monday next at 9 O'C. forenoon.

MONDAY October 19th, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petition of Farnsworth & Powell was recd with an order of the house to refer the same again to the committee previously appointed and on motion Resolved to recommit the same.

Recd the petition of John Beckwith with an order of the house to refer the same to a committee of two to join, which being read Resolved to concur in said reference & Mr Crawford appd.

The petition of the inhabitants of Berlin was recd with an order of the house referring the same to a committee of two to join, which being read Resolved to concur in said reference & Mr Stanley appd.

The petition of Inhabitants of Sutton was recd with an order of the house referring the same to a committee of 4 to join, & on motion Resolved to concur in said reference & Mr Leland appointed.

The petition of Sewall Cutting was recd with an order of the house

to refer the same to the Committee of Claims & on motion Resolved to concur in said reference.

Rec^{d} the bill from the house for the relief of Nathan Ball with an order thereon referring the same to a committee of 2 to join & on motion Resolved to concur in said reference; and Mr Tomlinson was appointed.

Rec^{d} from the house a resolution instructing the Judiciary Committee to enquire into the expediency of passing a law preventing persons who attend County & Supreme Courts in criminal cases from receiving pay in certain cases &c. which was read & Resolved to concur in said reference.

Rec^{d} a resolution instructing the judiciary Committee to enquire into the expediency of amending the law respecting the descent of real estate &c. which was read & Resolved to concur in passing said resolution.

Rec^{d} the resolution of the house instructing the judiciary Committee to enquire what alterations may be necessary in the law of Offsetts—which being read Resolved to concur in passing said resolution.

Rec^{d} the petition of Jon$^{a.}$ Fassett with an order of the house to discharge the former committee appointed on the same & appointing a committee of 2 to join—& on motion Resolved to concur in the new appointment of said committee & Mr Smith was appointed to join.

Rec^{d} the petition of the Inhabitants of Windsor, with an order of the house to refer the same to the Committee on agriculture, which being read Resolved to concur in said reference.

Rec^{d} the petition of Oliver Pier with an order of the house to refer the same to the joint Committee on the petition of Jon$^{a.}$ Leavitt—which being read Resolved to concur in said reference.

The petition of John Wilson was rec^{d} with an order of the house to refer the same to the joint Committee of Claims—& on motion Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'Clock P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the engrossed bill entitled "an act granting relief to the Green Mountain Turnpike Company," sent up for revision & concurrence &c. which was read & Resolved to concur in passing the same into a Law.

Rec^{d} a resolution raising a com^{ee} of one member from each county to take into consideration the propriety of disposing of property belonging to the State Bank, which being read Resolved to concur in said resolution.

Rec^{d} the account of N. Allen with an order of the house to refer the same to the joint Committee of Claims & on motion Resolved to concur in said reference.

Rec^{d} the remonstrance of the Inhabitants of Waterbury &c. with an order of the house to refer the same to the com^{ee} on the petition of Stowe, and on motion Resolved to concur in said reference.

Rec^{d} the bill for altering the establishment of the County town in the County of Windham &c. with an order of the house to refer the same to the members of said County to join & on motion Resolved to concur in said reference & Mr. Crawford appointed.

Rec^{d} a resolution instructing the Judiciary Committee to enquire into the expediency of amending the act for the relief of Idiots & distracted persons &c. which being read Resolved to concur in said reference.

Rec^{d} a resolution appointing 10 O'C. forenoon tomorrow a time for both houses to meet in their respective rooms to ballot for some person to represent this State in the Senate of the United States in the room of the Hon^{l} James Fisk resigned, & also for the term of six years next from & after the third day of March next. Concurred.

The petitions of S. H. Fletcher, W. Annis, C. Hall, J. Bohonnon, J. Church, John Fisk, C. Carrier, H. Metcalf, A. Potter, T. Morgan, S

Millikan, E. Marble, C. S. Harris, D. C. Hunt, J. Brooks, W. Chapman, N. Sutton, S. Hicock, I. S. Allen, J. R. Knapp, H. Rose, J. Reynolds, D. Robinson, D. [W.] Slaid, H. Stone, I. Smith, E. C. Stark, H. Toulman, R. Watson, L. Cambridge, W. Woodcock, convicts of State's prison, were severally read & dismissed.

Adj^{d} to 9 O'C. forenoon to morrow.

TUESDAY Oct. 20, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjourn^{t}.

The petition of John Clark on which report had been made was rec^{d} with an order recommitting the same & appointing a committee of 2 to join & on motion Resolved to concur in said recommitment & Mr. Chittenden appointed.

Rec^{d} the bill for the relief of Nathan Ball with an order to recommit the same—& on motion Resolved to concur in said reference.

Rec^{d} the bill for the relief of Eben^{r} Hurd with an order to refer the same to the joint committee on the bill for the relief of Nathan Ball & on motion Resolved to concur in said reference.

Rec^{d} the petition of Stratton Minot with an order of the house to refer the same to the judiciary Com^{ee} which being read Resolved to concur in said reference.

Rec^{d} from the House the following engrossed bills—sent up from the General Assembly for revision & concurrence or proposals of amendment, Viz. "An act directing the Treasurer to pay William Fay the sum therein mentioned," & "An act for the relief of Joseph Sanford"—which were severally read & Resolved to concur in passing said bills into Laws.

Benjamin Swan Esqr. Treasurer elect came into Council Chamber & produced a bond signed by himself as principal & Elias Keyes & Charles Marsh as sureties for the sum of one hundred thousand dollars, conditioned for the faithful performance of his duty as Treasurer—which said bond was accepted by the Governor & Council & he was sworn to perform the duties of said office.

Mr Nutting of the house came into Council Chamber & gave notice that the Gen^{l} Assembly were ready to proceed to ballot for Senator. Ordered that the Secretary give the same information to the General Assembly from the Gov. & Council.

Pursuant to the concurrent resolution of both houses the Governor & Council now proceeded to ballot for a person to represent this State in the Senate of the United States to fill the vacancy occasioned by the resignation of the Hon. James Fisk—And on the ballots being taken, sorted & counted, it appeared that the Hon^{l} William A. Palmer had a majority of the ballots. The Governor & Council proceeded to ballot for some person to represent this State in the Senate of the United States for six years next from & after the third day of March next—And on the ballots being taken, sorted & counted, it appeared that the Hon^{l} William A. Palmer had a majority of the ballots.

Mr Farnsworth of the House came into Council Chamber & gave information that the Assembly was now ready to meet the Governor & Council to compare ballots for Senator.

The Governor & Council then proceeded to meet the house for the purpose afors^{d} & when met, the ballots of both houses being compared, it appeared that the ballots of both houses agreed & that the Hon^{l} William A. Palmer was elected to fill the vacancy & also for the term of six years next after the 3^{d} day of March next. Governor & Council returned to their Chamber & Adjourned to 2 O'C P. M.

2 O. C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the bill for the relief of Peaslee & Haswell with an order of the house to refer the same to the joint Committee of insolvency, which being considered Resolved to concur in said reference.

Rec^{d} a resolution instructing the Judiciary Com^{ee} to enquire into the expediency of appointing inspectors of Shingles—which being read Resolved to concur in said resolution.

The petition of James Brown a convict in State's prison was read & on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & Costs? the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Smith, Chittenden, Cahoon, & Stanley—6. *Nays*, Messrs. Crawford, Leland, Hammond, Tomlinson & Bliss—5. So the prayer was granted & a pardon issued accordingly.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence & proposals of amendment, Viz. "An act for the relief of John Wood & Aaron Killum; An act for the relief of Aaron Killum & John Wood; An act for the relief of Timothy Maynard;" which were read [and] Resolved to concur in passing the same into Laws.

His Excellency the Governor ordered the following Communication to be sent to the General Assembly:

Hon. Richard Skinner Speaker of the House of Representatives. Sir, —I hereby communicate for the information of the Gen$^{l.}$ Assembly that the Hon. Martin Chittenden, James D. Farnsworth, S. C. Crafts, & Luther Loomis have resigned their seats as members of the board of trust of the University of Vermont. The General Assembly will please to take proper measures to fill the vacancies thus occasioned.

I have received a box of the laws of the United States passed at the Second Session of the 14 Congress supposed to contain 280 copies. The Gen$^{l.}$ Assembly will please to direct the distribution.

I am, sir, &c. JONAS GALUSHA.

Adjourned to 9 O'C. forenoon tomorrow.

WEDNESDAY October 21, 1818. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} a resolution of the house directing the Judiciary Committee to enquire into the expediency of amending the justice act &c. which was read & Resolved to concur in passing said resolution.

Rec^{d} the petition of Inhabitants of Chelsea with an order of the house referring the same to a committee of 4 to join, which was read & Resolved to concur in said reference.

Rec^{d} a resolution of the house instructing the Judiciary Committee to enquire into the expediency of amending the laws relating to roads & bridges—which was read & Resolved to concur in passing the same.

The Governor & Council met the house in joint Committee to complete County appointments, & after progress the joint Committee adjourned to Wednesday 10 O'clock A. M. The Governor & Council then returned to their chamber & adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the following engrossed bills sent up for revision & concurrence or proposals of amendment. Viz. "An act for the relief of John Clark; an act freeing the body of Avery Dennison from arrest & imprisonment; an act for the relief of Sam^{l} Dutton;" which were severally read & Resolved to concur in passing the same into laws.

Rec^{d} a bill for the benefit of A. Tabor & E. C. Tabor with an order of the house thereon referring the same to the Committee of Claims, which being read Resolved to concur in said reference.

Rec^{d} the petition of Oliver Perry with an order of the house to refer the same to the Committee of insolvency, the same having been before referred, whereupon Resolved to concur in said reference.

The petition of Ashbel Greely, a convict of the State's prison, praying for pardon, And on the question, Shall the prayer thereof be so far granted as relates to further imprisonment, fine & costs — the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Smith, Stanley — 6. *Nays*, [Messrs.] Hammond, Tomlinson, Chittenden, Bliss & Cahoon — 5. So the prayer was granted & a pardon issued accordingly.

The petitions of R. R Lewis, Jeremiah Hill, W$^{m.}$ Smith Jr. & John Johnson, convicts in State's prison, were read & dismissed.

The petition of R. Watson, a convict in State's prison, was read & dismissed.

Adj^{d} to 9 O'C. A. M. to morrow.

THURSDAY October 22, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} from the House the following engrossed bills sent up for revision & Concurrence & proposals of amend$^{t.}$ "An act for the relief of Jon$^{a.}$ Leavitt; An act freeing the body of Refine Weeks from arrest or imprisonment; An act authorizing Annis Jenks, guardian, to Execute deeds to convey certain lands in this State, the estate of Minor Children; An act for the relief of the Rutland fire Society; An act laying a tax of 2 cents pr acre on the town of Middlesex; An act laying a tax of 3 cents pr acre on the town of Lunenburgh; An act laying a tax of 4 cents pr acre on the town of Vineyard [Isle La Motte]; An act laying a tax of 3 cents per acre on the town of Hardwick; An act granting relief to John H. Peaslee & Nathan B. Haswell; An act laying a tax of 3 cents pr acre on the town of Winhall; An act laying a tax of 3 cents pr acre on the town of Calais; An act laying a tax of 4 cents pr acre on Coit's Gore; An act laying a tax on the County of Franklin; An act directing the Treasurer to pay William Farnsworth the sum therein mentioned; An act directing the Treasurer to pay Nathan Fuller the sum therein mentioned;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

By direction of His Excellency the following communications was [were] sent to the Gen^{l} Assembly:

Hon. Richard Skinner Speaker of the House of Representatives. Sir, The Gen$^{l.}$ Assembly are hereby informed the States of New York, Deleware & South Carolina have each forwarded to me three copies of the laws of said States, one of which is for the use of the Executive of this State & one for each of the two branches of the Legislature of this State. Those copies intended for the General Assembly are subject [to] their direction. The authority of those States by which the above mentioned laws are transmitted has requested a return of a similar number of the copies of the laws of this State. The Gen$^{l.}$ Assembly will please to take the subject into consideration & adopt such measures as shall by them be deemed expedient. I am &c. JONAS GALUSHA.

Hon^{l}. Richard Skinner Speaker of the House of Representatives. Sir, Through you I would give information to the Gen^{l}. Assembly that a vacancy has happened in the office of Major General of the 2^{d} division of the militia of this State by the resignation of Major General Robinson. Also that there is a vacancy in the office of Brigadier Gen^{l} of the 3^{d} Brigade & 3^{d} Division of said Militia by the resignation of Brigadier Gen^{l} Wires. The Gen^{l} Assembly will please to adopt proper measures to fill the afores^{d} vacancies. I am, Sir, &c. JONAS GALUSHA.

Rec^{d} the bill for the benefit of the Town of Pittsford with an order to refer the same to the joint Committee of Claims—read & on motion Resolved to concur in said reference.

Rec^{d} a resolution instructing the judiciary Committee to enquire into the expediency of making an addition to an act relating to the levying Executions &c. which being read Resolved to concur in said resolution.

Adjourned to 9 O'C. A.M. to morrow.

FRIDAY October 23^{d} 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} a resolution of the House instructing the Judiciary Committee to enquire into the expediency of amending the laws relating to the poor so as to affix a penalty on the overseers of the poor &c. which being read Resolved to concur in said resolution.

Rec^{d} the Bill relating to the Support of Schools with an order of the house thereon referring the same to the Judiciary Committee—which being read Resolved to concur in said reference.

Rec^{d} a bill for the relief of Levi Bellows with an order of the house to refer the same to the Committee of Insolvency—when on motion Resolved to concur in said reference.

Rec^{d} the petition of the 1st independent Company of the 1st Brigade & 2^{d} division of the Militia, with an order to refer the same to the joint Military Committee, which being read Resolved to concur in said reference.

Resolved that the Council advise His Excellency the Governor, & He is hereby advised, to appoint the third Wednesday of April next to be observed as a day of Fasting & Prayer throughout this State & that he issue his proclamation accordingly.

Mr Hammond was appointed on the Committee of Claims during the absence of Mr Butler.

Adjourned to 2 O'C. P. M.

2 O'CLOCK P. M.—Governor & Council met pursuant to adjournment.

The petition of Jesse Brooks, a convict in State's prison, read & dismissed.

Rec^{d} a bill appointing a committee to lay out a road from Lunenburgh to Barnet with an order of the house appointing a committee of 4 to join —which being read it was Resolved to concur in said reference & Mr Cahoon was appointed.

The petition of Cornelius Young was rec^{d} with an order of the house to refer the same to the committee on the petition of John Beckwith—on motion Resolved to concur in said reference.

The account of William Slade Jr. was rec^{d} with an order of the house to refer the same to the Committee of Claims, which being read Resolved to concur in said reference.

The petition of the Inhabitants of Bridport was rec^{d} with an order to refer the same to the Joint Military Committee & on motion Resolved to concur in said reference.

Rec^{d} a bill from the house appointing a committee to lay out a road from Col. Cobb's Mills in Barton to the Centre of Coventry — with an order of the house to refer the same to the Turnpike Committee—& on motion Resolved to concur in said reference.

Rec^{d} the petition of Benjamin Bell with an order of the house to refer the same to the joint Committee on the petition of Rebecca Dennett, & on motion Resolved to concur in said reference.

Received from the General Assembly the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz. "An act laying a tax of 3 cents pr acre on the town of Sherburn; An act authorizing the Treasurer of the State to credit the first Constable of Lunenburgh the sum therein mentioned; An act directing the Treasurer to credit the first Constable of Pittsford the sum therein mentioned; An act directing the Treasurer to credit the first Constable of Sherburn the Sum therein mentioned; An act directing the Treasurer to credit Abner G. Holcomb 1st Constable of Panton the sum therein mentioned; An act directing the Treasurer to credit the town of Somerset the sum therein mentioned; An act laying a tax of 4 cents pr acre on the township of Eden; An act laying a tax of 3 cents pr acre on the lands within the charter bounds of Chittenden; An act altering the name of Daniel Bigelow Hoar to that of Daniel Bigelow: An act authorizing the laying out & surveying the Stage road through Swanton; An act authorizing the Judge of Probate for the District of Rutland to empower the administrator on the estate of Timothy Taft to deed certain lands; An act in addition to an act entitled an act constituting a company of Artillery in the town of Fairfax &c.; An act in addition to an act constituting a company of Riflemen in Cavendish; An act granting to John S. Larrabee the exclusive right of keeping a ferry; An act authorizing Elnathan Keyes to erect & keep a Toll bridge across Mississque river; An act laying a tax on Waterford; An act laying a tax of 3 cents pr acre on the town of Essex; An act to provide for laying out & altering the county post road from the South line of St. Johnsbury to Nathan Hubbard's in Lyndon; & An act authorizing Elias Kent administrator of Ezra Kent to deed land;" which were severally read & Resolved to concur with the General Assembly in passing the same into Laws.

Rec^{d} the bill for regulating the militia of this State with an order of the House thereon referring the same to the Military Committee—& on motion Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. to morrow.

Saturday October 24, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the report of the Secretary of State relative to the Deaf & Dumb within this State—with an order of the House to refer the same to the joint Committee on the petition of Mary Bowles—which being read Resolved to concur in said reference.

Rec^{d} the resolution instructing the judiciary Committee to enquire into the Expediency of rendering more certain the Law relating to marriage & divorce—read & Resolved to concur in passing the same.

Rec^{d} a resolution instructing the Judiciary Committee to enquire into the Expediency of enquiring what amendments ought to be made to the law declaring the Widows of testators entitled to dower, & to the act to prevent fraudulent Speculations, & the Sales of Choses in action—read [and] Resolved to concur in passing the same.

Rec^{d} the bill for the relief of Amasa Hayward, with an order of the

house referring the same to the Committee of Insolvency—which being read Resolved to concur in said reference.

Rec^{d} from the General Assembly the following Engrossed bills sent up for revision & concurrence or proposals of amendment, Viz. "An act altering the name of Philo Mills to that of Mason Porter Mills; An act admitting Joseph Huntington to the benefit of the poor debtor's oath; An act directing the treasurer to pay Jacob Kent the sum therein mentioned; An act extending the time allowed by law for the Inhabitants of Windsor to make a certain road &c.; An act directing the Treasurer to pay John Beckwith the sum therein mentioned; An act granting relief to Jon$^{a.}$ Cady; An act for the relief of Joseph Watson; An act freeing the body of James Sawyer from arrest & imprisonment; An act for the relief of Jabez Delano; An act for the relief of Thomas E. Williams; An act directing the Treasurer of this State to pay Nathan Jewett the sum therein mentioned;" which were severally read & Resolved to concur in passing said bills into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the bill for Hulling Oats & Barley, & manufacturing Oatmeal, with an order of the house to refer the same to a com^{ee} of 3 to join—& on motion Resolved to concur in said reference & Mr Stanley was app$^{d.}$

Rec^{d} a resolution instructing the Committee on Manufactures to enquire into the expediency of appointing inspectors of Shingles—which being read Resolved to concur in said resolution.

Rec^{d} the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz. "An act for the relief of Jotham Forbes ; An act laying a tax of 4 cents pr. acre on the land in the town of Waterford ;" which were severally read & Resolved to concur in said bills.

Adjourned to 9 O'C. A. M. Monday next.

MONDAY October 26, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

His Excellency sent the following communication to the Gen^{l} Assembly—

To Hon. Richard Skinner, Speaker of the House of Representatives. Sir, I transmit for the consideration of the Gen$^{l.}$ Assembly a copy of a Letter rec^{d} by me from W$^{m.}$ Mercein of New York concerning the publication of a military work therein mentioned. The Gen^{l} Assembly will please to consider the propriety of complying with his request. I am, Sir, &c. JONAS GALUSHA.

Rec^{d} a bill directing the Treasurer to pay J. Y. Vail the sum therein mentioned, with an order of the house to refer the same to the Committee of Claims—on motion Resolved to concur in said reference.

Rec^{d} a bill for the relief of Barack Balston [Bolster]—one for the relief of Patterson & Blodget—with an order to refer the same to the committee on the petition of R. Dennett—& on motion Resolved to concur in said reference.

Rec^{d} a resolution instructing the Judiciary Com^{ee} to enquire into the expediency of amending the act relating to jails & jailers to prevent Dep^{y} gaolers from acting as magistrates, which was read & Resolved to concur in said resolution.

Rec^{d} the bill en^{d} an act in amendment of an act appointing a Committee to lay out a road from the Court house in Guildhall to Canada

line, with an order to refer it to a committee of 2 to join, & on motion Resolved to concur in said reference & Mr Cahoon was appd.

Recd the bill laying a tax of 2 cents pr. acre on the town of Jay with an order referring the same to the land tax Committee—on motion Resolved to concur in said reference.

Recd from the House a resolution instructing the Judiciary Committee to enquire into the expediency of amending the laws relating to the retailing of Spirituous Liquors, which being read Resolved to concur in passing the same.

Recd a bill authorizing the Selectmen of Peacham to alter a certain road with an order of the house to refer the same to the Committee on the Petition of the inhabitants of Peacham — & on motion Resolved to concur in said reference.

Recd a resolution instructing the Committee of Manufactures to enquire into the expediency of amending the law relating to the duty of Leather Sealers—read & Resolved to concur in the same.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

His Excellency the Governor sent the following communication to the Genl. Assembly, Viz.

Hon Richard Skinner Speaker of the House of Representatives. Sir, I hereby communicate for the information of the Genl. Assembly that I have accepted the resignation of Major Genl. Hibbard of the 4th Division of the Militia of this State, & of Brigadier Genl. Fenton of the 3d brigade & same division. The Genl Assembly will please to take proper measures to fill the vacancies thus occasioned. I am, Sir, &c.

Jonas Galusha.

The petition of Amos Davenport was recd with an order of the house to refer the same to the committee of insolvency, which was read & Resolved to concur in said reference.

Recd His Excellency's communication of the 26th of October with an order of the house to refer the same to the Military Committee — on motion Resolved to concur in said reference.

Recd a resolution of the House appointing Wednesday next at 10 O'C. forenoon a time for both houses to meet to elect a Major Genl. for the 2d division & a Brigadier Genl. for the 3d Brigade & 4th Division. Also for electing three Trustees for the University of Vermont. Also some person to preach the next election Sermon—which was read & Resolved to concur in said resolution with the following proposals of amendment, Viz. After the words "*John Wires*" in said resolution insert "Also to elect a Major General for the 4th division in the room of L. Hibbard resigned ; Also to elect a Brigadier Genl. for the 3d Brigade & 4th division in the room of Brigadier Genl R. W. Fenton resigned.—Also after the name of Luther Loomis, insert S. C. Crafts."—Mr Fay appointed to assign the reasons to the house.

Recd notice that the General assembly had concurred in the above proposals of amendment.

Adjourned to 9 O'C. A. M. to morrow.

Tuesday October 27, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournt.

The petition of Kenney & Davis, on which report had been made & rejected by the Genl. Assembly, was now recd with an order of recommitment of the same & on motion Resolved to concur in said recommitment.

Rec^{d} an engrossed bill entitled "an act relating to the liability of Sheriffs & High Bailiffs," which at the last session of the Gen^{l}. Assembly had been nonconcurred by the Governor & Council, with an order of the house to refer the same to the Judiciary Committee—read & Resolved to concur in said reference.

Rec^{d} a resolution instructing the Committee who have had the report of the Superintendent of the Vermont State's prison under consideration to report what compensation he ought to have — & on motion Resolved to concur in said resolution.

Rec^{d} a resolution instructing the Judiciary Committee to enquire into the expediency of providing for perpetuating testimony — which was read & Resolved to concur in said resolution.

Rec^{d} a resolution instructing the judiciary Committee to revise the laws for the punishment of high crimes & misdemeanors — which being read Resolved to concur in said resolution.

Rec^{d} a bill for the relief of revolutionary pensioners with an order of the house to refer the same to the Committee of insolvency & on motion Resolved to concur in said reference.

Rec$^{d.}$ from the house the following engrossed bills sent up for revision & concurrence or proposals of amendment—"An act for the relief of Noah Chittenden," & "An act authorizing the Treasurer to deed a certain piece of Land:" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec$^{d.}$ the bill incorporating the Borough of Montpelier with an order of the house to refer the same to a committee of 2 to join—& on motion Resolved to concur in said reference.

Rec$^{d.}$ the acc$^{t.}$ of N. Allen with an order of the house to recommit the same to the joint Committee of Claims—when Resolved to concur in said reference.

Rec$^{d.}$ from the House the following engrossed bills sent up for revision & Concurrence or proposals of amendment, Viz. "An act reviving a tax of 2 cents pr. acre on the town of Worcester; An act laving a tax of 3 cents pr acre on the town of Albany;—An act suspending process against William Campbell for the term of five years;—An act authorizing Gerardus Booth & Ezra Mygatt to bring a petition for a new trial in the Case therein mentioned;—An act in addition to an act entitled an act authorizing the Sheriff of the County of Grand Isle to provide a Jail in said County;—An act altering the time of the Sessions of the County Court in the County of Orleans;—An act rendering valid the records of the town of Concord;—An act for the relief of Justus Warren;—An act for the relief of Sarah Thompson ;— An act for the relief of Thomas Dodge Jr ; An act in addition to an act entitled an act incorporating certain persons therein named by the name of the White river Bridge Company ; An act authorizing the Auditor of Accounts against this State to audit certain accounts therein mentioned ; An act directing the Treasurer to credit Abel Bishop the sum therein mentioned ;" which were severally read & Resolved to concur with the General Assembly in passing the same into Laws.

Adjourned to 9 O'C. A. M. to morrow.

WEDNESDAY October 28, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The Governor & Council met the House in joint Committee to elect Major & Brigadier Generals, Trustees of the University of Vermont, &

a Chaplain to preach the next election Sermon, which being completed the Governor & Council returned to their Chamber & Adjourned to 2 O'C. P. M.[1]

2 O'C. P. M. Governor & Council met pursuant to adj[t].

The engrossed bill, which had been concurred in by the Governor & Council was now called up, Viz. the bill entitled "an act laying a tax of 2 cents pr acre on Worcester," & the vote of concurrence rescinded—when the same was again passed with amendments, erasing the name of Timothy Hubbard of Montpelier & inserting Noah Chittenden of Jericho—and by erasing George Rich of Montpelier & inserting Thomas Chittenden of said Jericho. Mr Chittenden was appointed to Assign the reasons to the Gen[l] Assembly.

Rec[d] the bill directing the Treasurer to pay J. Virginia the sum therein mentioned with an order to refer the same to the joint Committee on the petition of R. Dennett. Concurred.

Rec[d] from the House the following engrossed bills sent up for revision & Concurrence or proposals of amendment, Viz. An act for the relief of Asa Hall & others ; An act for the relief of Sam[l] Johnson & others ; An act for the relief of George Small & bail ; An act for the relief of Tho[s] Stoddard—which were read & passed into Laws.

Adjourned to 9 O'C. A. M. to morrow.

THURSDAY, October 29, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec[d] a resolution appointing Friday October 30[th] 1818 a time for both houses to meet to elect a Brigadier Gen[l] of the 2[d] Brigade & 2[d] Division & a Brigadier Gen[l] for the 2[d] Brigade & 4 Division, an Auditor of Accounts ag[t] this State, & a Surveyor General, which was read & Resolved to concur in said resolution.

Rec[d] a resolution of the house instructing the Judiciary Committee to enquire into the Expediency of repealing the several sections of the several laws therein mentioned—which being read Resolved to concur in said resolution.

Rec[d] from the Gen[l] Assembly the following engrossed bills sent up for revision & Concurrence or proposals of amendment, Viz. "An act freeing the body of Truman Powell from arrest &c.; An act directing the Treasurer to pay Joshua Buzzell the sum therein mentioned; An act authorizing the Judge of Probate for the District of Orleans to deed lands to Elisha Brigham; An act directing the Treasurer to credit Ardon Tabor & Edward C. Tabor the sum therein mentioned; An act freeing the body of John Wilson from arrest & his property from attachment; An act for the relief Eben Conant; An act directing the Treasurer to pay Ebenezer Lock the sum therein mentioned;" which were severally read & thereupon Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

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[1]The following elections were made : Jabez Delano Superintendent of the State Prison ; Perry G. Ladd and Frederick Smith jr. Maj[r] Generals ; Josiah Grout and Seth Cushman Brig. Generals ; Rev. Calvin Yale, Guy Catlin, Samuel Hickok, and Leonard Worcester Trustees of the University of Vermont ; and Rev. James Converse to preach the next election sermon.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec[d] the engrossed bill entitled "an act dividing the State into Districts for electing representatives to the Congress of the United States &c." which was read & Resolved to non-concur in passing the same & that the same be returned to the Gen[l]. Assembly with the reasons therefor in writing—which was done.

Rec[d] from the House the following engrossed bills sent up for revision & Concurrence or proposals of amendment, Viz. "An act directing the Treasurer to pay Nathaniel Nickols the sum therein mentioned; An act directing the Treasurer of this State to pay Benj[n]. Martin Jun. the sum therein mentioned;" And "an act directing the Treasurer to pay John Keep the sum therein mentioned;" [which were severally concurred in.]

Adjourned to to morrow 9 O'C. forenoon.

FRIDAY October 30[th], 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec[d] the report of the Committee to whom was referred the petition of Mary Bowles with an order to refer the same to the Committee who made the report to draw the Bill. Concurred.

Rec[d] a bill in addition to an act authorizing William Allen of Essex to run out a line &c. with an order of the house to refer the same to a committee of 2 to join—which being read Resolved to concur in said reference & Mr Bliss was appointed to join.

Rec[d] the bill appropriating a debt therein mentioned to the University of Vermont, with an order of the House to refer the same to the Committee on the report of said University, which being read, Resolved to concur in said reference.

Rec[d] the report of the Committee on the affairs of the University of Vermont, on which was an order of the house to refer the same to a Committee of 4 to join, which being read Resolved to concur in said reference & Gov. Brigham was appointed.

Rec[d] the bill for laying out a road from the Green Mountain Turnpike to N. York line with an order to refer the same to the Turnpike Committee—which being read Resolved to concur in said reference.

Rec[d] the engrossed bill entitled "an act declaring the widows of testators entitled to dower," sent up for revision & concurrence &c. read & passed into a Law.

The engrossed bill entitled "an act freeing the person of Levi Bellows from arrest & imprisonment & his property from attachment or Execution for the term of 3 years," was sent up for revision & concurrence &c.—which being read it was passed with proposals of amendment & Mr Fay was appointed to assign the reasons to the House.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Governor & Council met the house in joint committee to elect Auditor of Accounts, Brigadier Generals & Directors of State Bank pursuant to the concurrent resolution of both houses—which being completed the Governor & Council returned to their Chamber.[1]

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[1]The following elections were made: Wyllys Hall Jr. Auditor of Accounts; Charles K. Williams and Joseph Edson Brigadier Generals; Caleb Hendee Jr. Surveyor General; and Benjamin Swan, Thomas Hammond, and Wyllys Hall Jr. Directors of the Vermont State Bank.

Rec^{d} the engrossed bill entitled "an act in addition to an act for regulating the conveyances of real estate & for the prevention of fraud"—sent up for revision & concurrence &c.—which being read Resolved to concur in said bill & that the same become a Law.

Adjourned to 8 O'C. forenoon to morrow.

SATURDAY October 31, 1818. 8 O'C. A. M.

Gov. & Council met pursuant to adjournment.

Rec^{d} the bill suspending the collection of a certain demand against Joseph Watson & his bail, with an order to refer the same to the Committee of insolvency, which being read Resolved to concur in said reference.

Rec^{d} the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act laying a tax of two cents pr. acre on the town of Ripton ; An act laying a tax of two & one half cents pr. acre on the town of Kirby;" which were severally read & Resolved to concur in passing the same into Laws.

The petition of Barack M^{c}Donald, a convict of State's prison, which had been dismissed, was now called up, the vote of dismissal rescinded & on the question Shall the prayer thereof be so far granted as relates to further imprisonment, fine & costs ? the yeas & nays were called for & taken as follows Viz. [*Yeas,*] Messrs. Fay, Smith, Hammond, Tomlinson, Butler, Chittenden, Bliss & Stanley—8. *Nays* [Messrs.] Crawford, Leland & Cahoon. So the prayer was granted & a pardon issued accordingly.

Mr Keyes of the House came into Council Chamber & returned the bill districting the State for the purposes of electing representatives to Congress, which had been nonconcurrred by the Governor & Council, the house having again passed the same & requested the Governor & Council to concur &c.

Rec^{d} notice that the Gen^{l} Assembly had concurred in the amendments proposed by the Governor & Council to the bill freeing the body of Levi Beckwith from arrest & imprisonment.

Rec^{d} the bill directing the Treasurer to pay Thomas Todd the sum therein mentioned, with an order of the house to refer the same to the committee on the petition of R. Dennett—which was read & Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the account of Wyllys Hall Jr. & the bill directing the Treasurer to pay Erastus Spicer the sum therein mentioned, with an order of the house to refer the same to the Committee of Claims — whereupon Resolved to concur in said reference.

Rec^{d} the following engrossed bills, sent up from the house for revision & Concurrence or proposals of amend^{t}. "An act laying a tax of two cents pr. acre on the town of Hyde Park ; An act altering the time of holding the December Term of the County Court in the County of Bennington," which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 8 O'Clock forenoon Monday next.

MONDAY November 2d, 1818. 8 O'C. forenoon.

Governor & Council met & adjourned to 2 Oclock P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Recd the bill directing the Treasurer to pay Jabez Delano the sum therein mentioned, with an order of the house to refer the same to a committee of 4 to join, which was read & Resolved to concur in said reference & Mr Cahoon was appointed.

Recd the engrossed bill entitled an act dividing the State into Districts for electing Representatives to the Congress of the United States & directing the mode of election, [which] was now sent up again passed by the house, which was read & Resolved to concur in passing the same into a Law.

Recd the following engrossed bills, sent up for revision & concurrence or proposals of amendment, Viz. "An act directing the Treasurer to pay John Morrison the sum therein mentioned; An act directing the Treasurer to pay Rebecca Dennett the sum therein mentioned; An act to provide for resurveying the Stage road in Monkton & New Haven; An act appointing a committee to lay out a public road from the Court House in Windsor to the Court House in Rutland;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 8 O'Clock A. M. to morrow.

TUESDAY November 3d, 1818. 8 O'C. A. M.

Governor & Council met.

Recd a bill authorizing Amos W. Barnum & others to erect a toll bridge in Vergennes &c. with an order of the house to refer the same to a committee of 4 to join. Concurred & Mr Hammond appd.

The engrossed bill entitled an act to revive a tax of 2 cents pr acre on the town of Worcester, which had been sent down to the house with proposals of amendment, was now returned with a nonconcurrence of the house to said proposals of amendment—from which the Council now rescinded & passed the bill into a Law as it originally stood.

Recd from the House the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz. "An act in addition to an act incorporating an Academy in the town of Brandon; An act authorizing Elizabeth Noyes, administratrix to the estate of Aaron Noyes Jr. to deed land &c.; An act directing the Treasurer to pay George Antrim the sum therein mentioned; An act incorporating certain persons therein named by the name of the Brandon fire Company; An act granting relief to Oliver Perry;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Recd a resolution instructing the Judiciary Committee to enquire into the Expediency of amending the laws relating to the levying Executions & to poor debtors—which being read Resolved to concur in said resolution.

An engrossed bill was received from the house entitled "an act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," sent up for revision &c. which being read Resolved to concur in passing the same into a Law.

Joshua Y. Vail Esqr of Montpelier was by the ballots of the Governor & Council elected Surveyor of Public Buildings for the Year ensuing.

Adjourned to 8 O'C. A. M. to morrow.

WEDNESDAY Nov. 4, 1818. 8 O'C. A. M.

Governor & Council met pursuant to adj[t].

Rec[d] the bill entitled an act to revive a land tax on the town of Jay, with an order of the house to refer the same to the [a] Committee of 2 to join—which being read Resolved to concur in said reference & Mr Tomlinson was appointed.

Rec[d] the engrossed bill entitled "an act to incorporate the President, Directors & Company of the Bank of Burlington," which was sent up for revision & concurrence &c. & on the question shall the said Bill pass & become a law, the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Crawford, Leland, Tomlinson, Chittenden & Stanley—6. *Nays*, Messrs. Fay, Smith, Hammond, Butler, Bliss & Cahoon—6. The Council being equally divided the Governor voted in the negative—so the bill did not pass and the same was ordered to be returned to the General Assembly non-concurred & Messrs. Fay, Butler & Smith were appointed to assign the reasons.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met &c.

Rec[d] a resolution from the House instructing the Committee on agriculture to enquire into the Expediency of providing by law for the incorporation of Societies for the improvement of agriculture—read & Resolved to concur in said resolution.

Rec[d] a bill to prevent retailers of Spirituous Liquors from selling &c. with an order of the house to refer the same to the Judiciary Committee—which was read & Resolved to concur in said reference.

Rec[d] the bill directing the Treasurer to pay Chapin Keith the sum therein mentioned, with an order of the house to refer the same to the Committee of Claims, which being read Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. to morrow.

THURSDAY November 5, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec[d] a resolution from the house instructing the Judiciary Committee to enquire into the expediency of amending the laws respecting the designation of scholars, which was read & Resolved to concur in said resolution.

Rec[d] a resolution respecting the Exchange of Laws with other States, which being read Resolved to concur in said resolution.

Rec the bill in addition to an act constituting the Supreme Court of Judicature with an order to refer the same to the judiciary Committee—which being read Resolved to concur in said reference.

Rec[d] the petition of the inhabitants of Burke for a Land tax on sundry towns, which had been once committed & report made thereon that was rejected, & now the said petition was recommitted to the former committee, & on motion Resolved to concur in said reference.

Rec[d] the bill directing the Treasurer to pay C. K. Williams & Jonas Clark the sum therein mentioned, with an order of the house to refer the same to the joint Committee of Claims—read & concurred.

Rec[d] from the House the following engrossed bills sent up for revision & concurrence &c. Viz. "An act assessing a tax for the support of Government; An act for the relief of John Mills; An act appointing a committee to lay out a road leading from the lower village in Grafton &c.; An act directing the Treasurer to pay Kenney & Davis the sum therein mentioned; An act directing the Treasurer to pay Thomas Fos-

ter the sum therein mentioned; An act appointing a collector for the town of Calais; An act authorizing the town clerk of the town of Wells to transcribe a part of the town records of said town;" which were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} the engrossed bill entitled " an act directing the Treasurer to pay Solomon W. Burke the sum therein mentioned," sent up for revision & concurrence or proposals of amendment, which being read Resolved to concur in passing the same into a Law with the following proposal of amendment—Viz.—erase the words "*Sixty-Six dollars & fifteen cents* " & insert " one hundred & fifty dollars." Gov. Brigham was appointed to assign the reasons.

Mr Van Ness of the House came into Council Chamber & returned the bill entitled "An act incorporating the Bank of Burlington"—& which had been nonconcurred by the Governor & Council, the General assembly having again passed the bill, & Mr Van Ness assigned the reasons of the house for the second passage of said bill.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} a bill in addition & amendment of an act entitled an act empowering the Selectmen &c. to take charge of & lease out the lands &c. with an order of the house to refer the same to the [a] Committee of 4 to join, which being read Resolved to concur in said reference & Mr Leland appointed.

Rec^{d} the bill entitled an act to provide for issuing Executions in certain cases, with an order of the house to refer the same to the judiciary Committee, which being read Resolved to concur in said reference.

Rec^{d} the resolution instructing the judiciary Committee to enquire into the expediency of repealing the act in addition to the act directing the mode of passing laws, which being read Resolved to concur in passing this resolution.

Mr Hammond excused for the remainder of the session after tomorrow.

Rec^{d} the bill for the relief of Israel Abbott with an order to refer the same to the committee of insolvency, which being read Resolved to concur in said reference.

Rec^{d} the acc^{t} of Thomas Davis with an order of the house to refer it to the Committee of Claims—on motion Resolved to concur in said reference.

The Petition of John Atwood, a convict, read & dismissed.

The Bill entitled an act incorporating the President, Directors & Company [of the Bank of Burlington] was taken up & passed into a Law.

Adjourned to 9 O'C. A. M. to morrow.

FRIDAY November 6, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adj^{t}.

Rec^{d} a bill appointing a committee to lay out a road from Stowe to Waterbury with an order of the house to refer the same to the committee on petition of Inhabitants of Stowe, which being read Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay Solomon W. Burke the sum therein mentioned with an order of the house to refer the same to the joint Committee of Claims. Nonconcurred.

Rec^{d} the bill in addition to an act authorizing William Allen to run the line between Essex & Westford, with an order of the house to refer the same to the former committee. Concurred.

The engrossed bill "An act to incorporate the president directors & company of the Bank at Burlington," was called up & the vote of concurrence rescinded & again passed with the following proposals of amendment, Viz. erase the words in the 20th Sec. of the bill. And also to enact laws for the taxation of said bank &c. & add in the room thereof others. Mr Fay appointed to assign the reasons to the House.[1]

Recd the bill in addition to an act incorporating the Centre Turnpike Company with an order of the house to refer the same to a committee of 4 to join—which was read & Resolved to concur in said reference & Mr Tomlinson was appd.

Recd a resolution instructing the Committee of Claims to enquire into the expediency of establishing by law a permanent salary for the Superintendent of the State's prison—which was read & Resolved to concur in said resolution.

Recd the following engrossed bills sent up for revision & concurrence &c. "An act in addition to an act supplementary to an act entitled an act for the probate of Wills &c.; An act in addition to an act for the support of schools," which were severally read & Resolved to concur in passing said bills into Laws.

Recd from the house an engrossed bill entitled "An act granting a Lottery for the purpose of raising money for the deaf & dumb," sent up for revision & concurrence &c. which was read & Resolved to non-concur in passing the same & the reasons in writing were returned with the bill to the house.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Recd from the house the following engrossed bills sent up for revision & concurrence &c.—"An act establishing a corporation by the name of the Tinmouth Turnpike Company ; An act directing the Treasurer to pay Erastus Spicer the sum therein mentioned ; An act directing the Treasurer to pay Thomas Todd the sum therein mentioned ;" which were severally read & resolved to concur in passing the same into Laws.

The Bill to incorporate the President, Directors & Company of the Bank of Burlington was recd with an order of the house to refer the same to a committee of 4 to join, & on motion resolved to non-concur in said reference.

Mr Smith was excused for the remainder of the Session after to morrow.

Adjd to 9 O'C. A. M. to morrow.

Saturday, Nov. 7, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr Nutting of the House came into Council Chamber & returned the engrossed bill entitled "an act directing the Treasurer to pay Solomon W. Burke the sum therein mentioned," which had been concurred by the Gov. & Co. with proposals of amendment which were nonconcurred by the house & again passed by the house & returned to the Gov. & Co.

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[1] This record is far from creditable to so able and distinguished a man as Congressman Mallary. The Assembly journal shows that the proposed amendment was a provision requiring the bank to pay into the state treasury a tax of eight per centum of its dividends. This was changed to six per centum of the profits.

for revision & concurrence. Mr Nutting assigned the reasons of the house for nonconcurring in said proposals of amendment.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. Viz. "An act to stay proceedings ag^{t} the town of Woodstock; An act in alteration of an act incorporating certain Turnpike Companies &c.; An act for the relief of Henry Blodget & John Patterson; An act appointing a committee to lay out & survey a road from Randolph West Village to the Turnpike in Hancock near Butts' Bridge; An act directing the Treasurer of this State to pay R. Stevens the sum therein mentioned; An act for the relief of Ziba Loveland; An act for the relief of Baruk Bolston" [Baruch Bolster;] which were severally read & Resolved to concur in said bills.

Rec^{d} the engrossed bill entitled an act directing the Treasurer to pay Jabez Delano the sum therein mentioned, sent up for revision & concurrence &c. which was read & Resolved to concur in passing the same with the following proposal of amendment—by erasing the words "*four hundred & fifty*" and insert in the place thereof "*five hundred.*" Mr Butler app^{d} to assign the reasons to the house.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence. "An act granting to Darius Ferris & Archibald Ferris &c. the right of keeping a ferry &c.; An act constituting George Clinton Cahoon heir at Law to the estate of William Cahoon," which which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Mr Van Ness of the House came into Council & returned the bill entitled an act to incorporate the President, Directors & Company of the Bank of Burlington, which had been sent down to the house amended, the House having nonconcurred in the proposals of amendment made by the Gov. & Council, and Mr Van Ness assigned the reasons of the House for their said nonconcurrence.

Rec^{d} the engrossed bill entitled "an act directing the Treasurer to pay Charles K. Williams & Jonas Clark the sum therein mentioned," sent up for revision & concurrence &c. which was read & Resolved to concur in passing the same into a Law.

The Engrossed bill to incorporate the President, Directors & Company of the Bank of Burlington was called up & on motion Resolved to concur in passing the same with other proposals of amendment, after rescinding from the amendments previously made.

The engrossed bill entitled an act to provide for laying out and altering the public road from Chester to the East end of the Peru Turnpike nonconcurred & the reasons in writing sent with the bill to the house.

Adjourned to 9 O'C. Monday morning next.

MONDAY Nov. 9, 1818. 9 O'C. A. M.

Mr Nutting of the House returned the bill entitled an act directing the Treasurer to pay Jabez Delano Superintendent of the Vermont prison &c. to which amendment had been proposed by the Governor & Council in which the House had nonconcurred, & Mr Nutting assigned the reasons—whereupon the said proposed amendments were rescinded & thereupon Resolved to concur in passing said bill into a Law.

Rec^{d} notice the Gen^{l} Assembly had concurred in the proposals of

amendment made by the Gov. & Council to the bill To incorporate the President, Directors & Company of the Bank of Burlington.

Rec[d] from the House the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act to revive a tax of two cents pr acre on the town of Jay; An act in addition to an act appointing a committee to lay out a road from Court House in Chelsea to Court House in Danville; An act empowering Joseph Scott, Timothy Stanley & John W. Dana to make certain alterations in the County road leading from Montpelier to Stanley's Mills in Greensboro; An act establishing a Company of Artillery in 2[d] Regt. 2[d] Brigade & 3[d] division of Militia of this State; An act annexing the 4 Company of Cavalry of the 1[st] Brigade & 2[d] division of Militia of this State to 3[d] Regiment in said Brigade; An act laying a tax on the town of Holland ; An act appointing a collector of certain rate bills against the Inhabitants of Woodstock &c.; An act directing the Treasurer to pay William Slade Jr. the sum therein mentioned ; An act directing the Treasurer to pay Chapin Keith the sum therein mentioned ; An act laying a tax of 4 cents pr acre on the town of Navy [Charleston]; An act directing the Treasurer to pay H. Lovegrove for the benefit of Jeremiah Virginia the sum therein mentioned;[1] An act in amendment of an act entitled an act empowering the Selectmen in several towns in this State to take Charge of & Lease out the lands granted to the first settled Minister &c.; An act laying a tax of three cents pr acre on the town of Morgan; An act appropriating a certain sum of money therein mentioned for the purchase of ordnance ; An act to revive an act laying a tax on Parker's Gore ; An act to incorporate agricultural Societies in the several counties in this State;" which were severally read & Resolved to concur in passing the same into Laws.

Rec[d] a resolution from the house requesting the Governor & Council to appoint a committee of three persons to report a system of taxation— which was read & Resolved to nonconcur in said resolution & the same was returned to the House with the reasons for the nonconcurrence.

Adjourned to 2 O'C. P. M.

2 O'C. P. M. — Governor & Council met pursuant to adjournment.

Rec[d] from the House the following engrossed bills, sent up for revision & concurrence &c. "An act to incorporate the President, Directors & Company of the Bank of Windsor;—An act to incorporate the Village of Montpelier;" which were severally read & Resolved to concur in passing the same into Laws.

The bill entitled "an act directing the Treasurer to pay Solomon W. Burke the sum therein mentioned" was now called up & Resolved to suspend the passing thereof until the next Session of the Gen[l] Assembly.

Rec[d] the engrossed bill entitled "an act regulating & Governing the Militia of this State," which was sent up for revision & concurrence &c. [which] was now read & Resolved to concur in passing the same into a Law with certain proposals of amendment & Mr Cahoon was appointed to assign the reasons to the House.

Adjourned to 9 O'C. forenoon to morrow.

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[1]Seventy-five dollars by reason of being wounded in the battle of Plattsburgh.

TUESDAY November 10, 1818. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} notice that the Gen$^{l.}$ Assembly had concurred in the proposed amendments to the engrossed bill for regulating & Governing the Militia of this State.

The Governor & Council [proceeded] to elect a Quarter Master General for the State & on taking, sorting & counting the Votes it appeared that James Q. M^{c}Farland of Orwell was duly elected.

Adj$^{d.}$ to 2 O'C. P. M.

2 O'CLOCK P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the resolution of the House appointing Wednesday next at 7 O'Clock A. M. a time for both houses to meet & adjourn—which was read & Resolved to concur in said resolution with a proposal of amendment by erasing out "*Wednesday*" & inserting "*Thursday*" in the place thereof.

Rec^{d} the following engrossed bills sent up for revision & Concurrence &c. Viz. "An act granting a tax on Canaan;—An act constituting a Company of Infantry in Chelsea in the County of Orange;—An act to provide for the removal of State's prisoners in the goal in the County of Orleans &c.—An act relating to the levying of Executions & to poor debtors;—An act in addition to an act constituting the Supreme Court of Judicature &c.—An act appointing a committee to lay out a road from a point or place in Stowe;—An act authorizing Adoniah Schuyler to deed a certain piece of Land;—An act for the relief of Daniel Stanniford;—An act for the relief of Ebenezer Hurd;—An act directing the Treasurer to credit the 1st Constable of Minehead [Bloomfield] the sum therein mentioned;—An act directing the Treasurer to pay Truman Purdy the sum therein mentioned;—An act in addition to an act entitled an act incorporating certain persons therein mentioned by the name of the Centre Turnpike Company;—An act for the punishment of certain capital & other high crimes & misdemeanors;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 8 O'C. A. M. to morrow.

WEDNESDAY Nov. 11, 1818. 8 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the engrossed bill entitled "an act in addition to an act constituting the Supreme Court &c. sent up for revision &c.—which was read & Resolved to concur in passing the same with proposals of amendment. Mr Fay appointed to assign the reasons.

Mr Van Ness of the House came into Council Chamber & returned the bill last above named which had been returned to the house with certain proposals of amendment in which the House had nonconcurred. Mr Van Ness assigned the reasons for said nonconcurrence. The Governor & Council rescinded from said amendments & the bill was passed into a Law.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. "An act preventing certain magistrates from officiating in the cases therein mentioned; An act relating to betterments; An act in addition to the act directing leather sealers in their office & duty; An act in amendment of an act appointing a committee to lay out a public road from the Court house in Guildhall in the County of Essex to Canada Line; An act in addition to an act in amendment of an act in addition to an act directing the mode of obtaining licenses & regulating Inns &c.; An act restoring Sylvester Treat to his legal privileges; An

act in addition to an act entitled an act directing the levying & serving of Executions; An act for the relief of Military Pensioners;[1] An act in addition to an act entitled an act to empower the judges of the Supreme Court to grant bills of divorce; An act making the necessary appropriations for the support of Government the present year & for other purposes;" [which were severally passed in concurrence.]

Adjourned to 2 O'Clock P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec[d] from the house the following engrossed bills sent up for revision & Concurrence &c. "An act for the removal of James German to the State's Prison; An act in addition to & in alteration of an act entitled an act directing the appropriation of the lands in this State heretofore granted by the British Government; An act in addition to an act reducing into one the several acts for laying out, repairing & clearing highways," which were severally read & Resolved to concur in passing the same into Laws.

Rec[d] the resolutions of the house proposing amendments to the constitution of the United States respecting the Election of representatives to Congress & Electors of President & Vice President of the United States—which were read & Resolved to concur in passing said resolutions.[2]

Rec[d] the Engrossed bill entitled "an act in addition to an act to prevent fraudulent Speculations & the Sales of Choses in action;" which was read & Resolved to nonconcur in passing the same & the reasons for said nonconcurrence were returned to the house with the bill.

The following resolution was passed & sent to the General Assembly for concurrence:

"In Council Nov. 11, 1818.

Resolved, the Gen[l] Assembly concurring herein, that both houses meet in the representatives' room tomorrow morning at 7 O'Clock for the purpose of adjourning the Legislature without day."

Rec[d] a resolution of the house directing the distribution of the Militia Laws, & A Resolution for laying over all unfinished business to the next session of the Gen[l] Assembly—which were severally read & Resolved to concur in said resolutions.

Adjourned till tomorrow 7 O'C. forenoon.

Thursday November 12, 1818. 7 O'C. A. M.

Governor & Council met agreeably to adjournment.

The Governor & Council repaired to the room of the House of Representatives & there met the General Assembly—and after an Address to the Throne of Grace by the Reverend Chaplain, agreeably to the concurrent resolution of both houses, the Legislature adjourned without day.

State of Vermont.—I hereby certify that the foregoing from Page 1 to page 80 inclusive [of manuscript Council Journals, Vol. 8,] is a true Journal of the proceedings of the Governor & Council of said State at their Session begun & held at Montpelier, on the Second Thursday of October A. D. 1818. R. C. Mallary, *Secretary.*

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[1] Title to a pension not to be a bar to the poor debtor's oath.

[2] See *Appendix* C.

FORTY-THIRD COUNCIL.

OCTOBER 1819 TO OCTOBER 1820.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

EZRA BUTLER, Waterbury,
WILLIAM CAHOON, Lyndon,
TRUMAN CHITTENDEN, Williston,
TIMOTHY STANLEY, Greensboro',
THOMAS HAMMOND, Pittsford,
THEOPHILUS CRAWFORD, Putney,
DAVID FAY, Bennington,
AARON LELAND, Chester,
ABEL TOMLINSON, Vergennes,
JOHN H. COTTON, Bradford,
SETH WETMORE, St. Albans,
JOSEPH BERRY, Guildhall.

ROLLIN C. MALLARY, Poultney, *Secretary.*
CHAPIN KEITH, Barre, *Sheriff.*

BIOGRAPHICAL NOTICES.

JOHN H. COTTON represented Bradford in the General Assembly 1814 until 1819; was Councillor 1819 and 1820; Presidential Elector in 1816; and Assistant Judge of Orange County Court 1812 until 1820. He was appointed to the last named office in 1820, but declined it to accept the office of Superintendent of the Vermont State Prison, from which he retired in 1838.—*Vt. Hist. Magazine*, Vol. II, title Bradford; Deming's *Catalogue;* and *Walton's Vermont Register.*

SETH WETMORE, born in Massachusetts, commenced practice as an attorney at St. Albans about 1800, was Sheriff of Franklin County 1809 and 1810, Register of Probate 1814, Councillor 1819 until 1829, and Judge of Probate 1815 until his death in August 1830. He was remarkably unfortunate in pecuniary matters, but maintained his integrity. He officiated as magistrate in the trial of causes more than any other man in his town or county. — *Vt. Hist. Magazine*, Vol. II, title St. Albans; and Deming's *Catalogue.*

JOSEPH BERRY first appeared on the records of Guildhall in 1799, as a member of the first church there organized. He represented the town in the General Assembly in 1816; was State's Attorney in 1815, '17, '18, '23, and '24; Chief Judge of Essex County Court in 1822 and '23; and Councillor 1819 until 1825. He removed to Newbury, and was Clerk of Orange County Courts 1850 until 1852.—*Vt. Hist. Magazine*, Vol. I, title Guildhall, and Vol. II, Orange County chapter.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER 1819.

STATE OF VERMONT, ss.—A Journal of the proceedings of the Governor & Council of the State of Vermont at their Session begun & held at Montpelier on the second thursday of October A. D. 1819 being the 14th day of said month. Present His Excellency Jonas Galusha Governor; His Honor Paul Brigham Lt. Governor; Of the Honorable Council, Messrs. Thomas Hammond, Aaron Leland, Theophilus Crawford, William Cahoon, Timothy Stanley, Truman Chittenden, David Fay, & Abel Tomlinson. Chapin Keith Sheriff of Washington County. Rollin C. Mallary Secretary.

Mr. Clark of the House came into the Council Chamber & informed the Governor & Council that the House had formed a quorum & were ready to receive any communication that the Governor & Council may please to make. Ordered that the Secretary give the Gen. Assembly notice that the Governor & Council had convened, formed a quorum & were ready to proceed to business.

Messrs. Leland, Fay, Cahoon were appointed & sworn as canvassing Committee, to join such as might be appointed on the part of the House.

Mr Elliot of the House came into Council Chamber & gave notice that the House had on their part appointed a canvassing Committee. Ordered that the Secretary give notice to the House that the Governor & Council had on their part appointed said Committee.

Adjourned to 4 O'C. P. M.[1]

4 O'C. P. M.—Governor & Council met pursuant to adjournment.

Mr Pierpoint came into Council Chamber & gave notice that the General Assembly had convened & were ready to hear the report of the canvassing Committee & requested the attendance of the Governor & Council.

Governor & Council proceded to the representatives' room to hear the report of the canvassing Committee, which was read as follows, Viz.

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[1] The election sermon was preached by Rev. James Converse.

To the Honorable General Assembly now sitting—The Committee appointed to receive, sort & Count the votes for Governor, Lt. Governor, Treasurer, & Councillors for the year ensuing, having attended to the business of their appointment, do report that His Excellency Jonas Galusha is elected Governor, His Honor Paul Brigham Lieutenant Governor, Benjamin Swan Treasurer, and the Honorable David Fay, Theophilus Crawford, Thomas Hammond, Aaron Leland, Abel Tomlinson, John H. Cotton, Truman Chittenden, Ezra Butler, William Cahoon, Seth Wetmore, Timothy Stanley & Joseph Berry are elected Councillors for the Year ensuing. Which is respectfully submitted.

AARON LELAND, *Chairman.*

D. AZRO A. BUCK, *Clerk.*

Thereupon proclamation was made by the Sheriff of Washington County accordingly.[1]

Governor & Council returned to their Chamber & adjourned to 9 O'C. A. M. to morrow.

FRIDAY October 15, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Present His Honor Paul Brigham Lt. Governor, The Honorable David Fay, Thomas Hammond, Theophilus Crawford, Aaron Leland, Abel Tomlinson, Truman Chittenden, William Cahoon, Ezra Butler, Timothy Stanley, John H. Cotton, Seth Wetmore & Joseph Berry, Councillors, who now attended in the representatives' room & took the oaths of office & then they returned & subscribed the same.

Mr. Van Ness of the House came into Council Chamber & gave notice that the Gen[l.] Assembly had organized & were ready to receive any communication that the Governor & Council may think proper to make.

Rec[d] a resolution appointing one half past two O'C. P. M. this day for both houses to meet in the representatives' room to elect a chaplain for the Legislature for the present session—which was read & Resolved to concur in passing the same.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

His Excellency ordered that notice be given to the Gen[l.] Assembly that he would attend at half past two O'C. P. M. this day to take the oaths of office & make the Executive communication.

His Excellency the Governor, attended by the Lt. Governor & the Councillors, proceeded to the Representatives' room & there in the presence of both branches of the Legislature took the oaths of office as Governor for the year ensuing & made the following Speech.[2]

The Governor & Council returned to their Chamber. Mr Leland on motion & leave introduced the following resolution.

IN COUNCIL October 15, 1819.

Resolved that His Honor the Lieutenant Governor be respectfully requested to furnish the Secretary of the Governor & Council with a copy of his Valedictory address this day delivered to the Legislature of this State, & that the Secretary be directed to record the same at large on the journals of Council as a testament of respect to his Honor for his

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[1] The votes for Governor were as follows: Jonas Galusha 12,628, Bradley [probably William C.] 1,035, Dudley Chase 658, scattering 1,085.

[2] For speech see *Appendix* A.

long & faithful services to the State—which was read & adopted. Which address of His Honor the Lt. Governor was as follows—

Gentlemen of the Council & of the House of Representatives—I embrace this opportunity to manifest my acceptance of the office to which I have been duly elected. And on this occasion I beg leave to observe that for more than forty years I have been honored by my fellow citizens with various offices both civil & military; some of them of minor grades, others of more importance—all of them honorable. In the discharge of the duties incident to those offices to say that I have never erred would be absurd, but from the repeated elections which I have had it might be charitably hoped that I had invariably meant to discharge the duties which devolved upon me in such a way as would best promote the public welfare.

I have now arrived at the age marked in Holy Writ as a time of labor & sorrow—at a period too in which the world has lost its charms. For several years past I have neglected making a similar communication to this [body] from considerations in some degree aside from my own judgment & feelings—but for a long time I have determined not to let the present occasion pass without manifesting, in this public manner, that it is my wish hereafter not to be considered as a candidate for any office.—I have chosen the present time to make this communication, that the members of the Legislature and others might have the best opportunity to select a citizen whom they could present to the consideration of the freemen at large to fill the office which I now hold.

I cannot refrain, at this time, as it probably is the only one which will ever present itself, to express the deep sense of gratitude which I feel to my fellow citizens for the many unmerited favors which they have so repeatedly bestowed upon me, & to offer up to that being who directs the destinies of worlds & of individuals in the best possible manner, my most fervent supplications for the prosperity & happiness of this State.

And I am now ready, for the last time, to take the necessary oaths of office as required by the Constitution & Laws of this State.

Montpelier October 15, 1819. PAUL BRIGHAM.

Adjourned to 9 O'C. A. M. to morrow.

SATURDAY October 16, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Recd notice that the Genl. Assembly had appointed the following committees to join from Council—Viz. A Committee of four denominated the Military Comee. A committee of four denominated the Judiciary Comee. A Comee of four denominated the Comee of Claims. A Committee of four denominated Comee of Insolvency. A Committee of four denominated Comee on Manufactures. A Committee of four denominated the Comee on Agriculture. A Committee of four denominated the Land tax Comee. A committee of four denominated the Committee on New Trials. A committee of four denominated the Turnpike Committee. Whereupon it was Resolved to join the above committees—and Mr Cahoon was appointed on the Military Commee, Mr Fay on the Judiciary Comee, Mr Butler on the Committee of Claims, Mr Hammond on the Comee of Insolvency, Mr Leland on Committee of Manufactures, Mr Chittenden on the Comee on agriculture, Mr Tomlinson on the land tax Comee, Mr Wetmore on Comee of New Trials, Mr. Cotton on Turnpike Comee.

Recd the petitions of Eli Barnard—J. Barron—Danl Coit—A. Davenport—J. Willard—Alpheus Taft—E. Fassett—L. Park—S. Chase—E. &

A. Field—C. Dexter—with an order of the house on each referring the same to the Committee on Insolvency, which were severally read & Resolved to concur in said order of reference.

Rec^{d} from the House the petitions [of] Joseph Brown, W. Chamberlain—W. Richardson—E. & R. White—B. Throop—B. Shepard—Selectmen of Somerset—A. Woodward—N. Record Jr. with an order of the house to refer the same to the joint Com^{ee} of Claims, whereupon Resolved to concur in said reference.

Rec^{d} the Petitions of Starksboro—Stratton—Minehead [Bloomfield] —Woodford—Pet. & Remonstrance of Starksboro—Kellyvale [Lowell] —Westfield—Underhill—Royal Cutler—with an order of the house to refer the same to the land tax Committee—whereupon Resolved to concur in said reference.

Petitions of Inhabitants of Fairfax—of Manchester—with an order of the house to refer the same to the Turnpike Committee, whereupon Resolved to concur in said reference.

Rec^{d} petitions of Mary Bryant—Proprietors of Townshend—of Samuel Hunt—with an order of the house to refer the same to the Judiciary Committee, whereupon Resolved to concur in said reference.

Rec^{d} petition of members of 2^{d} Regt. 3^{d} Brigade 4th Division of Militia—of Band of musicians 2^{d} Reg^{t} 2^{d} Brigade & 2^{d} Division with an order to refer to Military Com^{ee}—Concurred & adj^{d} to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} resolution of the House instructing Judiciary Com^{ee} to enquire into the expediency of revising & amending the several laws for the punishment of inferior crimes—which was read & Resolved to concur in passing said resolution.

Received a resolution referring so much of his Excellency's Speech as relates to imprisonment for debt to the Judiciary Committee, which being read Resolved to concur in passing said resolution.

Rec^{d} a resolution of the House referring so much of his Excellency's Speech as relates to domestic manufactures to the Committee on Manufactures, which being read Resolved to concur in passing the same.

Rec^{d} a resolution of the House referring so much of His Excellency's Speech as relates to this State's quota of arms furnished by the United States to the Military Committee, which being read Resolved to concur in passing said resolution.

Received a resolution appointing Wednesday next at 2 O'C. P. M. a time for both houses to meet to elect judges of the Supreme court, which being read Resolved to concur in said resolution.

Rec^{d} the petitions of Jirah Durkee & of Abner Moore Jr. with an order to refer the same to the committee of New Trials, which being considered Resolved to concur in said reference.

Rec^{d} petitions of Artillery Company Springfield & Independent Company Chelsea with an order of the house on each referring the same to the joint Military Committee, which being considered Resolved to concur in said reference.

Received the petitions of David Oaks—John Cameron—Thomas Witt —Wm. Langmaid—Thomas Bulkley with an order of the house on each referring the same to the Committee of Insolvency, which being considered Resolved to concur in said reference.

Rec^{d} the petition of H. Wallace with an order of the house to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Inhabitants of Ferrisburgh with an order to refer the same to a Committee of four to join, which being considered Resolved to concur in said reference & Mr Stanley appointed to join.

Received the petition of Jonathan Ross with an order of the house to refer the same to a Committee of four to join, which being read Resolved to concur in said reference & Mr Crawford appd to join.

The Petition of Amos Thompson & others was recd with an order to refer the same to a Committee of four to join, which being considered Resolved to concur in said reference & Mr Berry was appd to join.

Recd the petition of Inhabitants of St. Johnsbury with an order to refer the same to a Committee of three to join, which being considered Resolved to concur in said reference & Mr Berry appd.

Recd the petition of Bathsheba Babbitt with an order of the house to refer the same to a Committee of three to join, which being considered Resolved to concur in said reference.

Recd the petitions of Mills De Forest, Inhabitants of Peru, & of Inhabitants of Goshen Gore with an order of the house on each to refer the same to the land tax Committee, which being considered Resolved to concur in said reference.

Recd the Petition of James Olds with an order to refer the same to a Committee of four to join, which being considered Resolved to concur in said reference & Mr Cahoon was appointed.

Recd the petition of Selectmen & town Clerk of New Haven with an order to refer the same to a Committee of a member from each county, which being considered Resolved to join said reference & Mr Chittenden was appointed.

Recd the petition of Inhabitants of Wallingford with an order to refer the same to a committee of two to join, which being considered Resolved to concur in said reference & Mr Crawford appointed.

Received the petition of Elizabeth Gallup with an order to refer the same to a committee of four to join, which being considered Resolved to concur in said reference & Mr Berry was appd.

Petition of Apollos Austin & John Kellogg with an order of the house was recd referring the same to a committee of four to join, which being read Resolved to concur in said reference & Mr Berry was appd.

Recd petition of Inhabitants of Waltham with an order to refer the same to a committee of four to join, which being considered Resolved to concur in said reference & Mr Crawford appd.

Recd petition of Inhabitants of Brookline with an order of the House to refer the same to the committee on the petition of Inhabitants of Waltham, which being considered Resolved to concur in said reference.

Recd petition of Inhabitants of New Haven with an order of the House referring the same to a committee of four to join, which being considered Resolved to concur in said reference & Mr Stanley appointed.

Adjourned to 9 O'C. A. M. Monday next.

Monday October 18, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Present His Excellency Jonas Galusha, Govr, His Honor Paul Brigham Lt. Govr, The Honl. Messrs Chittenden, Crawford, Hammond, Cotton, Cahoon, Berry, Fay, Wetmore, Leland & Stanley, Councillors.

Recd a resolution referring so much of His Excellency's Speech as relates to the Council of Censors to a Committee of 3 to join, which was read & Resolved to concur in passing the same & Mr Berry was appointed.

The Petition of Lyman Leach was recd with an order to refer the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Stanley was appd.

The petition of Inhabitants of Hardwicke was rec^{d} with an order to refer the same to the committee on the petition of Inhabitants of St. Johnsbury, which being considered Resolved to concur in said reference.

Rec^{d} petition of Inhabitants of Salsbury with an order to refer the same to the committee on the petition of inhabitants of Ferrisburgh, which being considered Resolved to concur in said reference.

Rec^{d} from the House the bill incorporating the President, directors & co. of the Bank of Montpelier with an order to refer the same to the Committee on the petition of Jon$^{a.}$ Hunt Jr. which being considered Resol$^{d.}$ to concur in said reference.

Rec^{d} the bill for the preservation of Pickerell in Fairlee Pond with an order to refer the same to the Committee on agriculture, which being considered Resolved to concur in said reference.

Rec^{d} a resolution instructing the Committee on Manufactures to enquire into the expediency of appointing inspectors of Shingles, which being read Resolved to concur in said reference [resolution.]

The Petition of John Willard was rec^{d} with an order of the house to refer the same to the Committee of New Trials, which being considered Resolved to concur in said reference.

Rec^{d} petition of Stebbins Walbridge with an order of the House to refer the same to a committee of four to join, which being considered, Resolved to concur in said reference & Mr Leland appointed.

Rec^{d} the petition of David Dickinson with an order of the House to refer the same to a committee of four to join, which being considered Resolved to concur in said reference & Mr Crawford appointed.

Rec^{d} a resolution referring so much of His Excellency's Speech as relates to the University of Vermont [to] a committee of a member from each county to join, which was read & resolved to concur in said resolution & Gov. Brigham was app$^{d.}$

Rec^{d} a bill appropriating a debt therein mentioned [to the University] with an order to refer the same to the com^{ee} appointed on the resolution relating to the University of Vermont, which being considered Resolved to concur in said reference.

Rec^{d} the petition of the Episcopal Society of Fairfield with an order to refer the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Cotton was appointed.

Rec^{d} a resolution instructing the judiciary Committee to enquire into the expediency of revising the laws respecting the settlement of estates, which was read & concurred.

Rec^{d} the bill to provide for reports of decisions of Supreme Court, [and] An act in addition to an act entitled an act for the Probate of Wills &c. with an order of the house to refer the same to the judiciary Committee, which were considered & Resolved to concur in said reference.

Rec^{d} a bill appointing a committee to lay out a road from Col. Cobb's in Barton to the centre of Coventry, the petition of Inhabitants of Londonderry, A Bill for the relief of Fairhaven Turnpike Company, A petition of Waltham Turnpike Company, An act to provide for laying out & altering the Public road from Chester to the east end of the Peru Turnpike, with an order of the house on each to refer the same to the Turnpike Committee, which being considered Resolved to concur in said references.

Rec^{d} the Petitions of Truman Chittenden—Sears Luce—Nathan Ball —Jonathan Roberts—Ichabod Delano—Moses Bradley, with an order to refer the same to the Committee of insolvency, which being considered Resolved to concur in said reference.

Rec^{d} the petitions of John Wilson, T. Hill, S. Wheeler, T. Purdy, P. W. Hyde, Ja$^{s.}$ Elliot, Levi Taft, Bradford Barns, Isaac Nichols, T. Moony,

with an order on each referring the same to the Committee of Claims, whereupon Resolved to concur in said reference.

Rec^{d} the Petitions of Belvidere, Berkshire, Concord, Averill & Norton, Fayston, Woodbury, Vershire & Brownington, with an order of the house on each referring the same to the land tax committee, which being considered Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the Petitions of Dolly Atwood & of John Atwood—of Isaac Cobb, with an order of the house to refer the same to the Committee of insolvency, which beng considered Resolved to concur in said reference.

Rec^{d} from the House a resolution appointing a Committee of three to join to take into consideration the expediency of establishing two probate districts in the County of Addison, on which the house had appointed a committee of six to join, which being read Resolved to concur in said resolution & Mr Chittenden app^{d}.

Rec^{d} a bill establishing a permanent Salary of the judges of the Supreme Court, with an order to refer it to a com^{ee} of one member from each County to join, which being read Resolved to concur in said reference & Mr Crawford was appointed.

Rec^{d} a resolution of the House appointing Tuesday next at 4 O'C. P. M. a time for both houses to meet in County Conventions to make nominations of County officers & the opening of the house on Wednesday morning for the purpose of electing such officers, which being read Resolved to concur in said resolution.

Rec^{d} the petitions of Lincoln, Troy, Londonderry, with an order of the house on each referring the same to the land tax Committee, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Marvell Parker, of Brownington, with an order of the house on each referring the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} petition of overseers of the poor of Newfane, with an order to refer the same to the Committee of New Trials, which being considered Resolved to concur in said reference.

Rec^{d} petition of Inhabitants of Sheldon with an order to refer the same to a committee of two members of the house to join from Council, which being considered Resolved to concur in said reference & Mr Berry was appointed.

Rec^{d} the petitions of Joseph Huntington, of James Rich, with an order of the house to refer the same to the joint Committee on the Petition of James Olds, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Solomon Chapin with an order of the house to refer the same to a committee of three to join, which being considered Resolved to concur in said reference & Mr Tomlinson appointed.

Rec^{d} the petitions of Inhabitants of Londonderry, of Brandon, of Guilford, of Putney, of Dummerston, with an order of the house to refer the same to the committee on the petition of Solomon Chapin, which being considered Resolved to concur in said reference.

Rec^{d} petition of Nathan Ball with an order of the house to refer the petition to a com^{ee} of 4 to join, which being considered Resolved to concur in said reference & Mr Stanley appointed.

Rec^{d} the petition of Thomas Colby with an order to refer the same to the committee on the pet. of Nathan Ball, which being considered Resolved to concur in said reference.

Rec^{d} the petition of the Methodist Society [in the western district of Vermont] with an order to refer the same to a committee of six mem-

bers of the house to join, which being considered Resolved to concur in said reference & Mr Tomlinson was appointed.

Rec^{d} the petition of Hutchins Hapgood with an order of the house to refer the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Ezekiel Ladd with an order of the house referring the same to a committee of three to join, which being considered Resolv^{d} to concur in said reference & Mr Stanley was appointed.

Rec^{d} from the house the Petition of Alson Haynes with an order to refer the same to a committee of 4 to join, which being considered Resolved to concur & Mr Berry appointed.

Rec^{d} the petition of Inhabitants of New Haven with an order of the house to refer the same to a committee of 2 to join, which being considered Resolved to concur in said reference & Mr Hammond app^{d}.

Rec^{d} a bill to lay out a road from Lunenburgh to Barnet &c. with an order of the house to refer the same to a committee of two to join, which being considered Resolved to concur in said reference & Mr Cahoon was appointed.

Rec^{d} the Petition of the Vermont Medical Society with an order of the house to refer the same to a committee of four to join, which being considered Resolved to concur in said reference & Mr Fay appointed.

Rec^{d} a bill granting to N. W. Kingsman [Kingman] & W^{m}. H.Wilkins the privilege of erecting a wharf with an order of the house to refer the same to a committee of two to join, which was considered & Resolved to concur in said reference & Mr Wetmore was app^{d}.

Adjourned to 9 O'C. A. M. to morrow.

Tuesday October 19, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} notice that the House had appointed a committee of Ways & Means to join from Council, whereupon resolved to join said committee & Mr Crawford was appointed.

The petition of Alpheus Warner, a convict in State's prison praying for a pardon, was read & on the question shall the prayer thereof be granted ? The yeas & nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Stanley, Cotton & Wetmore. *Nays* none—so the prayer was granted & pardon issued accordingly.

The petitions from Landgrove—of Amos Fisk—Abram M^{c}Wain—Inhabitants of Poultney—& of Ziba Loveland were rec^{d} with an order of the house on each referring the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Rec^{d} resolution instructing the Committee of Ways & Means to enquire into the expediency of authorizing the Auditor of Accounts to settle claims of first Constables arising from mistakes of grand lists, which being read Resolved to concur in said resolution.

Rec^{d} the petition of Ira Hill with an order of the house to refer the same to a Committee of two to join, which being considered Resolved to concur in said reference & Mr Wetmore was appointed.

Rec^{d} the bill appropriating the property of the State Bank to the use of Schools with an order of the house to refer the same to a committee of a member from each county to join, which being considered Resolved to concur in said reference & Mr Leland appointed.

Rec^{d} the petitions of Abial Abbott—Jacob Abbott—Dan Smith—W^{m}. Baxter—Augustus Reed—Dan^{l}. Caruth—Silas Hathaway—with an order

to refer the same to the committee of insolvency, which being considered Resolved to concur in said reference.

Rec^{d} the petitions of Levi Fullum & others—of Josiah Dana, with an order to refer the same to the joint Committee on the petition of Nathan Ball, which being considered Resolved to concur in said reference.

Rec^{d} the inhabitants of Pittsford's petition with an order of the house to refer the same to the land tax Com^{ee}, which being considered Resolved to concur in said reference.

Rec^{d} the petitions of Frye Bayley, of Abel Page, with an order of the house on each referring the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} petitions of Overseer of Poor of Clarendon—& of Silas Hathaway with an order of the house to refer the same to the joint committee of New trials, which being considered Resolved to concur in said reference.

Rec^{d} petition of Inhabitants of Grafton with an order to refer the same to the Turnpike committee, which being considered Resolved to concur in said reference.

Rec^{d} petition of James Lewis with an order to refer the same to the committee on the petition of Ira Hill, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Martin Roberts with an order to refer the same to the Military Committee, which being considered Resolved to concur in said reference.

The petition of John Bohonnon, a convict of the State's prison praying for pardon, was read & on the question shall the prayer thereof be granted? the yeas & nays were called for & taken as follows— *Yeas*, Gov. Brigham, Messrs Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore, Berry. *Nays* none—so the prayer of said petition was granted & a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the petitions of Marshfield, of Newbury, of West Fairlee, of Fairlee, & of Greensboro' with an order of the house to refer the same to the joint committee on land taxes, which being considered, Resolved to concur in said reference.

Rec^{d} the account of T. Leverett, Petition of Rich^{d}. Aldrich, with an order of the house to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} petition of Inhabitants of Vershire with an order to refer the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} resolution instructing the judiciary Committee to inquire into the law in addition to the laws establishing the Supreme & County Courts passed October 11, 1814, which being read Resolved to concur in passing the same.

Rec^{d} the bill entitled an act in addition to an act to incorporate the Castleton Medical Academy with an order to refer the same to the Committee on the petition of [Vt.] Medical Society, which being considered Resolved to concur in said reference.

Adjourned to to morrow 9 O'C. A. M.

WEDNESDAY October 20, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

His Excellency ordered the following communication to be delivered to the Speaker of the Gen[l.] Assembly:

Hon. William A. Griswold Speaker of the House of Representatives. Sir—I hereby communicate for the information of the Gen. Assembly that I have accepted the resignation of Brigadier General Roberts of the 1[st.] Brigade & 2[d.] division of the Militia of this State. The Gen[l.] Assembly [will] please to take proper measures to fill the vacancy thus occasioned. JONAS GALUSHA.

The petition of John Louks, a convict of the State's prison, was read & ordered to be dismissed.

Agreeably to the joint resolution of both houses the Governor & Council met the Gen[l] Assembly in joint committee to elect the County officers for the year ensuing & after progress the joint committee adj[d] to Wednesday next at the opening of the House.

Rec[d] the petition of Harry Buell with an order of the house to refer the same to a committee of six members to join, which being considered Resolved to concur in said reference.

An act for the relief of Lemuel Kendrick with an order to refer the same to the members of Addison County was rec[d] from the House, which being considered Resolved to concur in said reference & Mr Tomlinson app[d].

Rec[d] the petition of Stephen Conant with an order of the house to refer the same to a committee of four to join from Council, which being considered, Resolved to coneur in said reference & Mr Stanley appointed.

Rec[d] the petitions of Ira Hawks & Barney Richmond with an order of the house on each referring the same to the committee of insolvency.—Concurred.

Rec[d] a petition for an Artillery Co. in Barre with an order of the house to refer the same to the Military Committee, which being considered Resolved to concur in said reference.

Rec[d] the petitions of Parkerstown, John Wires' bill, with an order of the house to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec[d] petition for land tax on Sterling, petition for a land tax on Orange, with an order of the house to refer the same to the land tax Committee, which being considered Resolved to concur in said reference.

Rec[d] petition & remonstrance from Irasburgh with an order to refer the same to the Turnpike Committee, which being considered Resolved to concur in said reference.

Rec[d] the petition of John Spaulding with an order to refer the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Rec[d] a resolution instructing the judiciary Committee to enquire into the expediency of repealing the law entitled an act in addition to an act entitled an act directing the mode of passing laws, which being considered Resolved to concur in said reference [resolution.]

Rec[d] a resolution instructing judiciary Committee to enquire into the expediency of providing by law for creditors to support their debtors in jail, which being read Resolved to concur in said resolution.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Rec[d] the resolution appointing the opening of the house P. M. this day a time for both houses to meet & elect a Brigadier Gen[l] for 1 Bri-

gade & 2d division of Militia of this State, which being read Resolved to concur in passing said resolution.

Recd the petitions of John Gordon, Abel Dunkley, Reuben Clark, E. & S. Lumbard, & an act to amend an act for [relief of] Timothy Matthews, with an order of the House to refer the same to the Committee of insolvency, which being considered Resolved to concur in said reference.

Recd resolution of the House instructing the judiciary Committee to enquire into the expediency of passing a law providing that pardons may be granted on condition that the convicts should leave this State & not return &c. which was considered & Resolved to concur in said resolution.

Recd resolution instructing the judiciary Committee to enquire into the expediency of making judgments final in actions of ejectment in cases of non-payment for rent, which was read & Resolved to concur in said resolution.

Recd the petition of the White river bridge Company with an order of the house to refer the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Chittenden appointed.

Recd the petition of Joseph Berry with an order to refer the same to the committee on the petition of James Olds, which being considered Resolved to concur in said reference.

Recd the petition of Samuel Towsley with an order of the house to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Recd the petition of Walter Palmer with an order to refer the same to the Committee of Claims.—Concurred.

Recd the petition of Elias Keyes with an order of the house to refer the same to the committee of New Trials, which being considered Resolved to concur in said reference.

Recd the petition of Inhabitants of Barnet with an order to refer the same to the committee on the bill for a road from Lunenburgh to Barnet which being considered Resolved to concur in said reference.

The petitions of Joseph Reynolds & L. Beers, convicts in State's prison, were severally read & dismissed.

Adjourned to 9 O'C. A. M. to morrow.

THURSDAY October 21, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Recd the petition of G. Atkinson—an act directing [relating to] the publishers of advertisements, a bill empowering [ordained] ministers of the Gospel to administer oaths &c. with an order of the house on each referring the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Recd the petitions of Beriah Wright, of Salisbury, of Calvin Seaver, with an order of the house refering the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Recd the petitions of Watson Jones, J. H. Carpenter, Abel & B. Foster, Peter Bishop, with an order of the house on each referring the same to the Committee of insolvency, which being considered Resolved to concur in said reference.

Recd petition of inhabitants of Roxbury with an order to refer the same to the joint land tax Committee, which being considered Resolved to concur in said reference.

Recd petition of Inhabitants of Grafton, of Inhabitants of Windham,

with an order of the house on each referring the same to the Turnpike Committee, which being considered Resolved to concur in said reference.

Rec^{d} the petitions of Wm. Williams & Jon$^{a.}$ Fassett with an order of the house to refer the same to a committee app^{d} on the petition of Azariah Webb, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Azariah Webb with an order to refer the same to a committee of two to join, which being considered Resolved to concur in said reference & Mr Cotton was appointed.

Rec^{d} the report of the Superintendent of the State's prison with an order of the house to refer the same to a Committee of four to join, which being considered Resolved to concur in said reference & Mr Leland was appointed.

Rec^{d} the account of the Superintendent of the State's prison with an order of the house to refer the same to the Committee on the report of the Superintendent of State's prison, which being considered Resolved to concur in said reference.

Rec^{d} the petition & remonstrance of the inhabitants of St. Albans with an order of the house to refer the same to a committee on the bill to erect a store & wharf on St. Albans bay, which being considered Resolved to concur in said reference.

Personally came into the Council Chamber the Hon. Dudley Chase & Joel Doolittle, Judges of the Supreme Court elect, to whom the several oaths required by law were duly administered as judges as afores^{d}.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The petition of John Church, a convict of State's prison, was read praying for a pardon, and on the question Shall the prayer thereof be granted, the yeas & Nays were called for & taken as follows, Viz. *Yeas*, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry.—*Nays*, none—so the prayer of said petition was granted.

The Petition of Henry Rose, a convict in State's prison, was read praying for a pardon, & on the question Shall the prayer thereof be granted, the Yeas & Nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nay*, Crawford—so the prayer thereof was granted & a pardon issued accordingly.

Rec^{d} the bill directing the Treasurer to credit the town of Sterling the sum therein mentioned, & the petition of Charles Higbee Jr. with an order to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the petition of James Johnson with an order of the house to refer the same to the joint Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} from the house a resolution appointing tomorrow morning a time for both houses to meet & elect an Auditor of Accounts against the State, which being read Resolved to concur in said resolution.

Rec^{d} the bill directing the Treasurer to pay the sum therein mentioned with an order of the house to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Jon$^{a.}$ Robinson & others—of Moses Robinson, with an order of the house on each referring the same to the joint Committee on agriculture, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Newfane with an order of the house to refer the same to the Turnpike Committee. Concurred.

Rec^{d} the petition of Dan. Smith with an order of the house to recom-

mit the same to the Committee of Insolvency, & the petition of James Johnson with an order to refer it to the same committee, which being considered Resolved to concur in said references.

Rec^{d} the petition of Newark & Burke with an order to refer the same to a committee of 2 to join, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Walter Palmer, & of P. R. True, with an order of the house to refer the same to the Committee of Ways & Means & to discharge the former committee appointed on the same, which being considered Resolved to concur in said reference & order of the house.

Rec^{d} the petition of William Baxter — Petition & remonstrance of the Inhabitants of Pittsford—of Samuel H. Hovey, with an order of the house to refer the same to the land tax Committee, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Inhabitants of Westminster—a bill constituting a company of riflemen in Newfane, with an order to refer the same to the Military Committee, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Peter Severance with an order to refer the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Berry was appointed.

Rec^{d} from the house a bill to prevent the purchase of Choses in action with an order to refer the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} a resolution of the house instructing the Military Com^{ee} to examine the military laws, which being considered Resolved to concur in said resolution.

The Petition of J. Ervin, a convict in the State's prison, was read praying for a pardon, which being considered Ordered that the said petition be dismissed.

The petition of Daniel W. Slaid, a convict of State's Prison, was read, praying for a pardon, which being considered, on the question Shall the prayer thereof be granted ? the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays* none—so the prayer of said petition was granted & a pardon issued accordingly.

Adjourned to 9 O'C. A. M. to morrow.

Friday October 22^{d}, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} petitions of Elihu Tabor, C. Young, Obad^{h} Eaton, Jacob F. Dodge, Jon^{a}. Smith, Henry Hill & Jon^{a}. Barber, with an order of the house on each referring the same to the committee of insolvency, which being considered Resolved to concur in said reference.

Rec^{d} the petition of John T. Rutter with an order of the house referring the same to the committee on the petition of James Olds, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Inhabitants of Newfane with an order of the house referring the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Stanley was app^{d}.

Rec^{d} the account of Ira Owen, the petitions of Peter Garnsby, Josiah Bidwell, with an order of the house referring the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Inhabitants of Rochester with an order to refer the same to the Military Committee, which being considered Resolved to concur in said reference.

Rec^{d} the petition of the Selectmen of Whitingham with an order of the house referring the same to the judiciary Committee. Concurred.

Rec^{d} resolution instructing the Committee of Ways & Means to enquire into the expediency of appointing an agent for the State to attend to business before said Committee, which was read & Resolved to concur in said resolution.

Rec^{d} the petition of Jabez Ingraham, the bill for the relief of Abraham M^{c}Wain, with an order to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Rec^{d} the petition of the Rutland County agricultural Society with an order to refer the same to the Committee on agriculture, which being considered Resolved to concur in said reference.

The petition of Timothy Morgan, a convict in State's prison, was read & dismissed.

The petition of Levi Noble, a convict in the State's prison, was read, praying for a pardon, and on the question, Shall the prayer of said petition be granted ? the Yeas & Nays were called for & taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Chittenden, Cahoon, Butler, Stanley, Cotton & Wetmore. *Nays*, Messrs. Crawford, Tomlinson & Berry—so the prayer was granted & a pardon issued accordingly.

The petition of Thomas Hinman, a convict of State's prison, was read, praying for a pardon, and on the question Shall the prayer thereof be granted, the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Stanley, Cotton, Wetmore & Berry. *Nays* none—so the prayer was granted & a pardon issued accordingly.

The petition of Henry H. Hill, a convict in the State's prison, was read & on the question Shall the prayer thereof be granted, the yeas & nays were taken as follows, Viz. *Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Stanley, Cotton, Wetmore & Berry. *Nays* none—so the prayer was granted and a pardon issued accordingly.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

The acc^{t} of Thomas Davis, the petitions of E. D. Forrest, Henry Mead, Nathan Fuller, Samuel Hubbard, with an order of the house on each to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the petitions of Parkerstown, of Brownington, & the bill for Sterling, with an order of the house to discharge the Committee of Claims & refer the same to the Committee of Ways & Means, which being considered Resolv'd to concur with the house in the aforesaid orders.

Rec^{d} the petition of Selah Hickox with an order to refer the same to the Committee on the petition of Azariah Webb, which being considered Resolved to concur in said reference.

Rec^{d} a bill designating a place for Court house & jail in the County of Windham with an order to refer the same to the members of said County to join, which being considered Resolved to concur in said reference & Mr Crawford appointed.

Rec^{d} the petition of Wait Branch with an order of the house refer-

ring the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} the petition of David Oaks with an order of the house referring the same to the judiciary Committee & discharging the Committee of insolvency from the further consideration of the same, which being considered Resolved to concur with the house in the afores^{d} orders.

Rec^{d} the petition of Walter Hamilton with an order to refer the same to the Committee of insolvency, which being considered Resolved to concur in said reference.

The petitions of John Smith, Aaron Rowley & Calvin Hale, convicts in State's prison, were read & dismissed.

The petition of Edward Patrick, a convict in the State's prison, was read, praying for a pardon, and on the question shall the prayer thereof be granted, the yeas & nays were taken as follows : *Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays*, none—so the prayer was granted & a pardon issued accordingly.

Adjourned to 9 O'C. A. M. to morrow.

Saturday October 23^{d} 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr Crawford excused from the Committee on the petition of Inhabitants of Brookline & Mr Leland app^{d}.

Mr Wetmore excused from the Committee of new trials so far as relates to the petition of Silas Hathaway & Mr Berry appointed.

Rec^{d} the petitions of David Page & Samuel Campbell with an order of the house referring the same to the committee of insolvency, which being considered Resolved to concur in said reference.

Rec^{d} bill for Belvidere, Petition of Waterman Ensworth, a bill directing the Treasurer to pay Samuel Huntington the sum therein mentioned, with an order of the house to refer the same to Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} a bill in addition to an act relating to the levying executions, an act relating to offsets, with an order of the house to refer the same to the judiciary committee, which being considered Resolved to concur in said reference.

Rec^{d} petition for a land tax on Barton, an act reviving a tax of 3 cents pr acre on Winhall, with an order to refer the same to the land tax committee, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Howell Woodbridge with an order of the house to refer the same to committee of 4 to join, which being considered Resolved to concur in said reference & Mr Chittenden appointed.

Rec^{d} the petition of Robert Allen with an order of the house to refer the same to the committee on the petition of Howell Woodbridge, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Inhabitants of Reading & Plymouth with an order of the house on each referring the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Leland was appointed.

Rec^{d} resolution appointing a committee of one member from each County to enquire into the expediency of repealing the present judiciary system, to join from Council, which being considered Resolved to concur in said resolution, & Gov. Brigham was appointed.

Rec^{d} the bill for the relief of Philetus Pier with an order of the house to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Rec^{d} the bill to amend an act therein mentioned with an order of the house to refer the same to the Military Committee, which being considered Resolved to concur in said reference.

Rec^{d} a resolution of the house instructing the judiciary Comm^{ee} to enquire into the expediency of repealing the provision of the 6th section of an act relating to fines & forfeitures, which was read & concurred.

Rec^{d} from the house a resolution instructing the judiciary Committee to enquire into the expediency of authorizing by law registers of Probate to grant letters of administration in certain cases, which was read & Resolved to concur in said reference [resolution.]

Rec^{d} resolution instructing the judiciary Committee to enquire into the expediency of providing that the Supreme Court shall audit accounts for taking horse thieves, which was read & Resolved to concur in said resolution.

Rec^{d} resolution instructing the Military Committee to enquire into the expediency of furnishing the officers of militia with the system of infantry discipline [adopted by the laws of this State,] which was read & Resolved to concur in said resolution.

The petition of David Hawkins was read, praying for the remission of a certain fine & costs therein mentioned, which being considered Resolved to remit the fine mentioned in said petition.

The petition of Calvin S. Harris, a convict in State's prison, was read, praying for a pardon, And on the question Shall the prayer thereof be granted the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Tomlinson, Cahoon, Butler, Cotton & Wetmore. *Nays*, none — so the prayer was granted & a pardon issued accordingly.

The petition of Joseph Whitney, a convict in the State's prison, was read, praying for a pardon, and on the question Shall the prayer thereof be granted, the yeas & nays were called for & taken as follows, Viz. [*Yeas*,] Gov. Brigham, Messrs. Fay, Hammond, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton & Wetmore. *Nay*, Mr Crawford—so the prayer was granted & a pardon issued accordingly.

The petition of Willard Chapman, a convict in the State's prison, was read, praying for a pardon, & on the question shall the prayer thereof be granted, the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Cahoon, Butler, Cotton & Wetmore—*Nay*, Mr Tomlinson—so the prayer was granted & a pardon issued accordingly.

The petition of Arvin Potter, a convict in State's prison, was read, praying for a pardon, and on the question Shall the prayer be granted? the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Tomlinson, Cahoon, Butler, Cotton & Wetmore—so the prayer was granted and a pardon issued accordingly.

The petition of James Murphy, a convict in the State's prison, praying for pardon, was read, & on the question shall the prayer of said petition [be granted,] the yeas & nays were called for & taken as follows— *Yeas*, Gov. Brigham, Messrs. Hammond, Fay, Crawford, Leland, Tomlinson, Cahoon, Butler, Cotton & Wetmore. *Nays* none—so the prayer was granted & a pardon issued accordingly.

The petition of Ebenezer C. Starks, a convict in the State's prison, praying for a pardon, was read & on the question the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Tomlinson, Cahoon, Butler, Cotton & Wetmore, *Nays* none—so the prayer of said petition was granted & a pardon issued accordingly.

The petition of Uriah Sutton, a convict in the State's prison, praying for a pardon, was read, & on the question Shall the prayer of said petition be granted, the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Tomlinson, Cahoon, Butler, Cotton & Wetmore—*Nays* none. So the prayer of said petition was granted & a pardon issued accordingly.

The petition of Lewis Cambridge, a convict in the State's prison, was read & dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the petition of Eleazer Flagg with an order of the house to refer the same to a committee of 4 to join,which was considered [and] Resolved to concur in said reference & Mr Stanley was appointed.

Rec^{d} bill respecting a land tax in Chittenden with an order of the house to refer the same to the land tax committee, which being considered Resolved to concur in said reference.

Rec^{d} the bill granting a ferry to Eleazer Brooks with an order of the house to refer the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Wetmore was duly appointed on said committee.

Rec^{d} the petition of Dolly Chase [Pease] with an order of the house to refer the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Leland was app^{d}.

Rec^{d} the petition of Betsey Young with an order of the house referring the same to the committee on the petition of Dolly Pease, which being considered Resolved to concur in said reference.

Adjourned to Monday next 9 O'C. A. M.

MONDAY, October 25, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the bill directing the Treasurer to pay J. Y. Vail the sum therein mentioned with an order to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the bill to amend the act for the relief of Peaslee & Haswell with an order to refer the same to the committee of Insolvency, which being considered Resolved to concur in said reference.

Rec^{d} resolution instructing the Judiciary Committee to enquire into the expediency of reporting a bill directing the mode of giving notice to the defts. in actions on book before auditors, which being read Resolved to concur in said resolution.

Rec^{d} the bill directing the Treasurer to pay Thomas Hill & others the sum therein mentioned, which being considered Resolved to concur in said reference, it having been referred by the house to the Committee of Claims.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} resolution directing the Judiciary Committee to enquire into the expediency of providing by law for the recording of division fences, which being read Resolved to concur in said resolution.

Rec^{d} a resolution instructing the Military Committee to report the whole military force of this state, which being read Resolved to concur in said resolution.

Rec^{d} the bill to revive an act for a land tax in the town of Essex with an order of the house to refer the same to the land tax committee, which being considered Resolved to concur in said reference.

Rec^{d} a bill to legalize & confirm the doings of Joseph Knight Jr. &c. with an order of the house to refer the same to a committee of 2 to join, which being considered Resolved to concur in said reference & Mr Stanley appointed.

His Excellency ordered the following communication to be sent to the Gen$^{l.}$ Assembly—

In Council Oct. 25, 1819.

Hon W$^{m.}$ A. Griswold Speaker of H. of Representatives. Sir—I herewith transmit for the information of the Gen$^{l.}$ Assembly the resolutions of the Legislatures of the States of Ohio & South Carolina respecting certain proposed amendments to the Constitution of the United States therein expressed.

I have also received from the Government of the United States this State's proportion of the laws of the United States of the 15$^{th.}$ Congress.

I have not been informed of the number for the first session of that Congress that have been furnished—for the second session it appears that the number of copies forwarded is 258. I have delivered to the Judges of the Supreme Court a copy of the last mentioned laws. I have rec^{d} a number of Volumes of State papers from the Secretary of State of the United States for the benefit of this State. The Gen$^{l.}$ Assembly will please to adopt proper measures for the distribution of the above mentioned laws & State papers.

I have also rec^{d} a letter from Messrs. Gales & Seaton printers at Washington proposing to furnish this State with any desired number of copies of the Constitutions of the several States as they now exist, which they are about to publish. Should it be considered an object worthy of attention to procure a number of copies for the use of this Gov$^{t.}$ the Gen^{l} Assembly will please to express their wishes on the subject.

Jonas Galusha.

The petition of Samuel Durkee, a convict in the State's prison, was read & dismissed.

Adjourned to 9 O'C. A. M. to morrow.

Tuesday October 26$^{th.}$ 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

The petition of Clark Caryl, a convict in the State's prison, was read & dismissed.

Rec^{d} a bill empowering Thomas Atkinson & F. Atkinson & George Atkinson to hold lands in this State, with an order to refer the same to the Judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} resolution instructing the Judiciary Committee to enquire into the expediency of amending the laws relating to the duties of grand juries, which was read and Resolved to concur in said reference [resolution.]

Rec^{d} a bill in behalf of Wyllys Hall [jr.] with an order to refer the same to Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} a resolution of the house appointing thursday the second day of December next to be observed as a day of public thanksgiving & praise throughout this State, which was read & Resolved to concur in said resolution.

Rec^{d} the petition of Isaac Green with an order of the house to refer the same to the Committee on the report of the Superintendent of the State's prison, which was considered & Resolved to concur in said resolution [reference.]

The petition of Ransom Munn, a convict of State's prison, was read, praying for pardon, & on the question shall the prayer of said petition be granted, the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays*, Messrs. Crawford & Leland—So the prayer of said petition was granted & a pardon issued accordingly.

Rec^{d} a bill granting the exclusive right of keeping a ferry to Eleazer Brooks with an order to recommit the bill to the committee first appointed on the same, whereupon Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay Jason Newton the sum therein mentioned with an order to refer the same to the Com^{ee} of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the Engrossed bill for the relief of Samuel Towsley, sent up for concurrence & revision &c. which was read & on the question Shall the bill pass & be concurred in the yeas & nays were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Leland, Chittenden & Stanley. *Nays*, Messrs. Fay, Crawford, Tomlinson, Cahoon, Butler, Cotton, Wetmore & Berry—so it was resolved not to concur in passing said bill.

On motion of Mr Fay the vote taken on the bill last above mentioned was rescinded.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. Viz. "An act directing the Treasurer to pay Abel Page the sum therein mentioned; An act directing the Treasurer to pay Benjamin Smith the sum therein mentioned; An act directing the Treasurer to pay Pitt W. Hyde the sum therein mentioned; An act for the relief of Samuel Towsley," which were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} a bill respecting the laws for laying out & repairing highways with an order of the house to refer the same to a Committee of four to join, which being considered Resolved to concur in said reference & Mr Leland was appointed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} a resolution appointing a committee of four members of the house [to join] to enquire into the expediency of appointing a keeper of the State's prison by the joint Ballot of both houses, which was read & Resolved to concur in said resolution & Gov. Brigham was appointed.

Rec^{d} resolution instructing the judiciary Committee to enquire into the expediency of amending the 24 section of the Judiciary act & the act directing the mode of levying Executions, which was read & Resolved to concur in said resolution.

Rec^{d} the bill reviving a land tax on the township of Eden with an order to refer the same to the land tax Committee, which being considered Resolved to concur in said reference.

The petition of John Fisk, a convict of the State's prison, was read & on the question Shall the prayer of said petition be granted? the Yeas & Nays were called for & taken as follows.[1]

The petition of George R. Rice, a convict in State's prison, was read, paying for a pardon, and on the question shall the prayer of said petition be granted? the yeas & nays were taken as follows—*Yeas*, Messrs. Fay, Hammond, Leland, Chittenden, Cahoon, Butler, Stanley, Cotton, & Berry. *Nays*, Messrs. Crawford, Tomlinson, & Wetmore—so the prayer of said petition was granted.

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[1] The record was left thus incomplete.

The petition of William Woodkook, a convict in the State's prison, was read, praying for a pardon, & on the question shall the prayer of said petition be granted? the yeas & nays were called for & taken as follows—*Yeas*, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays*, none—so the prayer was granted and a pardon issued accordingly.

The petition of John R. Knapp, a convict in the State's prison, was read, praying for a pardon, & on the question Shall the prayer of said petition be granted? the yeas & nays were called for and taken as follows, Viz. *Yeas*, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore, & Berry. *Nays* none—so the prayer of said petition was granted & a pardon issued accordingly.

The petition of Emery Marble, a convict in the State's prison, praying for a pardon, was read & on the question shall the prayer be granted, the yeas & nays were called for & taken as follows—*Yeas*, Messrs. Fay, Hammond, Crawford, Chittenden, Tomlinson, Butler, Stanley, Cotton, Wetmore & Berry. *Nays*, Messrs. Leland & Cahoon — so the prayer was granted & a pardon issued accordingly.

The petition of Moses Clough, a convict in the State's prison, praying for a pardon, was read & on the question shall the prayer of said petition be granted ? the yeas & nays were taken as follows—*Yeas*, Messrs. Fay, Hammond, Crawford, Leland, Tomlinson, Chittenden, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays* none—so the prayer of said petition was granted & a pardon issued accordingly.

The Petitions of Henry Stone, Selah Hickock, Ja^{s} Fitch, William Chase, W^{m} Lee, Squire H. Fletcher, G. Wheeler, Jesse Lucas, convicts in the State's prison, were severally read & dismissed.

Adjourned to 9 O'C. A. M. to morrow.

WEDNESDAY October 27, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the petition & remonstrance of the selectmen of Grafton with an order to refer the same to the committee on the petition of Solomon Chapin, which being considered Resolved to concur in said reference.

Rec^{d} resolution instructing judiciary Com^{ee} to enquire into the expediency of providing by law that the grand jurors impanelled before Supreme Court have the same power as town grand jurors, which was read & Resolved to concur in said resolution.

Rec^{d} the petition & remonstrance of Inhabitants of Huntington with an order to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Rec^{d} the petition of the Colonization Society with an order to refer the same to a committee of four to join, & it was Resolved to concur in said reference & Mr Wetmore was appointed.

His Excellency's communication of October 26th was rec^{d} with an order of the house to refer the same to a committee of four to join, which being considered Resolved to concur in said reference & Mr Berry was appointed.

Rec^{d} the petition of Hoseah Chamberlin with an order of the house to refer the same to the committee on petition of Dolly Pease, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Nathaniel Pease with an order to refer the same to the committee on the petition of Dolly Pease, which being considered Resolved to concur in said reference.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz. "An act in addition to an act to incorporate the Castleton Medical Academy ; An act appointing a collector in the town of Selden [Sheldon ;] An act directing the Treasurer to pay William Richards the sum therein mentioned ; An act directing the Treasurer to pay Solomon W. Burke the sum therein mentioned ; An act directing the Treasurer to pay Billings Throop the sum therein mentioned ; An act for the relief of Abraham M^{c}Waine ; An act directing the Treasurer to pay Wyman Chamberlain the sum therein mentioned"—which were severally read & Resolved to concur in passing said bills into laws.

The petitions of P. Wheeler, S. Leach Jr. Jesse Brooks, B. Phelps, J. Brown & John Dean, convicts in the State's prison, were read & dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the bill for the relief of Ziba Loveland with an order to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

The petition of H. Toulman, a convict in the State's prison, was read, praying for a pardon, & on the question shall the prayer thereof be granted—yeas & nays were called for & taken as follows—*Yeas*, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays* none—so the prayer was granted & a pardon issued accordingly.

The petitions of D. Butler, C. Fletcher, R. Watson, convicts in the State's prison, were read & dismissed.

On motion & leave Mr Leland introduced the following resolution :

Resolved to advise his Excellency & he is hereby advised to appoint the third Wednesday of April next to be observed as a day of fasting & prayer throughout this State & that his Excellency be requested to issue his proclamation accordingly. Which was adopted.

His Excellency the Governor ordered the following communication to be sent to the Gen$^{l.}$ Assembly : Hon$^{l.}$ W$^{m.}$ A. Griswold Speaker of the House of Representatives. Sir—I hereby communicate for the information of the Gen$^{l.}$ Assembly that I have accepted the resignation of Brigadier Gen$^{l.}$ Hastings Warren of the 1st Brigade & 3^{d} division, & of Brigadier Gen$^{l.}$ Samuel Lillie of the 1st Brigade & 4th division of the Militia of this State. The Gen^{l} assembly will please to adopt proper measures to fill the vacancies thus occasioned. JONAS GALUSHA.

The Governor & Council proceeded to ballot for a Surveyor of Public Buildings for the year ensuing, when Joshua Y. Vail was duly elected.

Rec^{d} from the Gen$^{l.}$ Assembly the following engrossed bills sent up for revision & concurrence or proposals of amendment : "An act empowering Thomas Atkinson, Francis Atkinson & George Atkinson to hold lands [in this State;] An act directing the Treasurer to pay John Wilson the sum therein mentioned; An act directing the Treasurer to pay Nathan Record Jr. the sum therein mentioned; An act directing the Treasurer to pay John Wires the sum therein mentioned; An act directing the Treasurer to pay Charles Higbee Jr. & others the sum therein mentioned; An act directing the Treasurer to pay Samuel Hurlburd the sum therein mentioned; An act directing the Treasurer to pay Bradford Barnes the sum therein mentioned," which were severally read & Resolved to concur in passing the same into laws.

Adjourned to 9 O'C. A.M. to morrow.

THURSDAY October 28, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Voted to rescind the vote to dismiss the petition of John Loux, a convict in the State's prison, & on the question shall the prayer of said petition be granted? the yeas & nays were called for & taken as follows — *Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Leland, Chittenden, Butler, Stanley, Wetmore, & Berry. *Nays*, Messrs. Crawford, Tomlinson & Cotton—So the prayer was granted & a pardon issued accordingly.

The petition of Amariah Chace, a convict in the State's prison, was read. praying for a pardon, & on the question shall the prayer thereof be granted, the yeas & nays were called for & taken as follows — *Yeas*, Gov. Brigham, Messrs. Fay, Hammond, Crawford, Leland, Chittenden, Tomlinson, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays* none — so the prayer of said petition was granted & a pardon issued accordingly.

The petition of Jonathan Cartwright, a convict in State's prison, was read, praying for a pardon, and on the question Shall the prayer of said petition be granted, the yeas & nays were called for & taken as follows— *Yeas*, Gov. Brigham, Messrs. Fay, Leland, Chittenden, Butler, Stanley, Wetmore,—7. *Nays*, Messrs. Hammond, Crawford, Tomlinson, Cahoon, Cotton & Berry—6—so the prayer of said petition was granted & a pardon issued accordingly.

Rec^{d} resolution instructing the judiciary Committee to enquire into the expediency of passing a law enforcing the first section of an act defining the powers of Justices of the peace, which was read & Resolved to concur in said reference [resolution.]

Rec^{d} a bill entitled an act in addition to an act for the support of schools with an order of the house to refer the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} a bill to appoint a Surveyor of lumber with an order to refer the same to the Committee on Manufactures, which was considered [and] Resolved to concur in said reference.

Rec^{d} resolution directing the Judiciary Committee to enquire into the expediency of providing by law for appointment of Commissioners in each County &c. [to administer oaths to poor debtors,] which was read & Resolved to concur in said resolution.

Rec^{d} an engrossed bill entitled "an act to repeal the first section of an act in addition to an act &c. defining the powers of Justices of the peace in this State, passed March 4, 1797," sent up for revision & concurrence &c. which was read & Resolved to concur in passing the same into a Law.

The Hon^{ble} Benjamin Swan, Treasurer elect, came into the Council Chamber & presented a bond for the performance of his duty as Treasurer of this State signed by himself as principal & Charles Marsh & John [James] H. Langdon as sureties, which was accepted & approved by the Governor & Council & he was duly sworn to the faithful discharge of the duties of his office.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the petition of Inhabitants of Rockingham with an order to refer the same to the committee on the petition of Solomon Chapin, which being considered Resolved to concur in said reference.

Rec^{d} a resolution of the house instructing the Military Committee to enquire into the expediency of altering the 8th section of the Military [militia] act, which was read & Resolved to concur in passing said resolution.

Rec^{d} a resolution of the house appointing tomorrow morning a time for both houses to meet & elect Brigadier Generals, surveyor General & some person to preach the next election sermon, which was read & Resolved to concur in passing said resolution.

Rec^{d} a bill to repeal a part of an act therein mentioned, which contained an order of the house referring the same to the Military Committee. Concurred to refer.

Rec^{d} a bill to appoint a committee to lay out & survey a road from South line of Waitsfield in the County of Washington &c. with an order of the house to refer the same to the Turnpike Committee, which being considered Resolved to concur in said reference.

Rec^{d} the bill in alteration of an act for encouraging the destroying of Wolves & Panthers with an order of the house referring the same to the Committee on agriculture, which being considered Resolved to concur in said reference.

Rec^{d} a bill directing the Treasurer to credit the first constable of Belvidere the sum therein mentioned with an order of the house to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Rec^{d} a bill to exempt the members of fire engine companies from military duty, with an order of the house to refer the same to the Military Committee, which being considered Resolved to concur in said reference.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. Viz. "An act for the relief of Parkerstown ; An act for the relief of Dan Smith ; An act establishing an academy in Thetford in the County of Orange ; An act for the relief of Augustus Reed ; An act to provide for laying out & altering the county & post road through the town of St. Johnsbury near the Passumpsic Turnpike road ; An act to appoint a committee to lay out & survey a road leading from Chester south Village to east end of Peru Turnpike ; An act laying a tax of 3 cents pr acre on all the lands in the town of Lemington ; An act to provide for resurveying the stage road in Newhaven in the County of Addison ; An act directing the Treasurer to credit the town of Salsbury in the County of Addison the sum therein mentioned ; An act for the relief of Nathan Ball ; An act for the relief of Samuel Chase ; An act laying a tax of 3 cents pr acre on the town of Vershire in the County of Orange; An act laying a tax of 3 cents pr acre on the township of Orange ; An act constituting a company of riflemen in the town of Newfane in the County of Windham ; An act directing the Treasurer to pay Isaac Nichols the sum therein mentioned ; An act laying a tax of 3 cents pr acre on Lincoln & Avery's gore ; An act laying a tax of 3 cents pr acre on the town of Sutton ; An act to remedy a mistake in the act granting a tax of 4 cents pr acre on Holland ; An act granting a new trial to Jirah Durkee ; An act releasing the body of Elias Fassett from arrest & imprisonment ; An act directing the Treasurer to credit the 1st Constable of Sterling the sum therein mentioned ; An act directing the Treasurer to credit Philetus Pier first constable of Bristol the sum therein mentioned ;" which were severally read & Resolved to concur in passing the same into laws.

Adjourned to 9 O'C. A. M. to morrow.

Friday October 29, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} a resolution appointing a committee to consist of a member from each county to take into consideration the expediency of providing for

a more equal mode of setting property in the list &c. which was read & resolved to concur in said resolution & Mr Leland was appointed.

Rec[d] a resolution requesting the Committee appointed to take into consideration that part of his Excellency's Speech which relates to the University of Vermont to make a statement of facts respecting both literary institutions in this State, which was read & Resolved to concur in said resolution.

The Governor & Council met the house to complete County appointments, & after progress the joint Committee adjourned to thursday next at 10 O'C. A. M. The Joint Committee proceeded according to concurrent resolution to elect Brigadier Generals, Chaplain [preacher of next election sermon,] & Surveyor Gen[l] & returned to their Chamber.[1]

Rec[d] a bill authorizing the Judge of Probate for the district of Rutland to deed certain lands with an order of the house to refer the same to the Judiciary Committee, which being considered Resolved to concur in said reference.

Rec[d] the account of Isaac Bailey with an order of the house to refer the same to the Committee of Claims, which was read & Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec[d] a resolution appointing a Committee of a member from each County to join to take into consideration the expediency of establishing future sessions of the Legislature at Burlington & Windsor, which was read & Resolved to concur in said resolution & Gov. Brigham was appointed.

Rec[d] a bill for the relief of R. W. Fenton with an order to refer the same to the Committee of Ways & Means which was considered & Resolved to concur in said reference.

Rec[d] a bill directing the Treasurer to pay Rich Stevens the sum therein mentioned with an order to refer the same to the Committee of Claims, which was read & Resolved to concur in said reference.

The petition of Benjamin Barnes, a convict in State's prison, was read, praying for a pardon, which being considered & on the question shall the prayer thereof be granted, the yeas & nays were called for & taken as follows—*Yeas*, Messrs. Brigham, Fay, Crawford, Chittenden, Tomlinson, Cahoon, Butler, Stanley & Berry. *Nays*, Messrs. Hammond, Leland & Wetmore.—So the prayer of said petition was granted & a pardon issued accordingly.

Rec[d] the following engrossed bills sent up for revision & concurrence or proposals of amendment, Viz. An act appointing a committee to lay out a road from Lunenburgh &c. to Barnet; An act for the relief of Reuben Clark"—which being read Resolved to concur in passing the same into Laws.

Adjourned to 9 O'C. A. M. to morrow.

SATURDAY October 30[th], 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec[d] the petition of Moses Bradley with an order to refer the same to the Committee of insolvency, which being considered Resolved to concur in said reference.

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[1] The following elections were made: Somers Gale and Solomon W. Burke, Brigadier Generals; Caleb Hendee jr. Surveyor General; Rev. John E. Palmer to preach the next election sermon, and Rev. George Leonard substitute.

Rec^{d} a resolution instructing the Committee on the report of the Superintendent of the State's prison to consider what compensation shall be allowed to Superintendent of State's prison, which was read & Resolved to concur in said resolution.

Rec^{d} a bill for regulating the practice of Physic & Surgery in this State with an order to refer the same to the Committee on the petition of the Medical Society, which being considered Resolved to concur in said reference.

Mr Leland was appointed on the committee heretofore appointed on the petition of Jon$^{a.}$ Fassett.

Mr Chittenden, appointed on the Committee on the petition of the Town clerk of Newhaven, was now excused from that committee & Mr Wetmore appointed in his room.

Adjourned to 2 O'C. P. M.

2 O'C. P M.—Governor & Council met pursuant to adjournment.

Mr Tomlinson was excused for the remainder of the session.

Rec an engrossed bill entitled "an act laying a tax of four cents pr acre on the town of Concord," sent up for revision & concurrence &c. which was read & Resolved to concur in passing the same into a Law.

Rec^{d} a resolution instructing the judiciary Committee to enquire into the expediency of revising the judiciary system, which was read & Resolved to concur in said resolution.

Rec^{d} resolution of the house instructing the Judiciary Committee to enquire into the expediency of making provision for the rights of Creditors, which was read, [and] Resolved to concur in said resolution.

Rec^{d} resolution of the house instructing the judiciary Committee to enquire into the expediency to provide for granting second trials in actions where life or liberty may be taken, which was read & Resolved to concur in said resolution.

Rec^{d} resolution instructing military Committee to enquire into the expediency of amending the 13th section of Militia Law to reduce Standing Companies, which was read & Resolved to concur in said resolution.

Rec^{d} a bill directing the Treasurer to credit David Cram the sum therein mentioned, & an act authorizing the Auditor of Accounts ag$^{t.}$ this State to audit certain accts. with an order to refer the same to the Com^{ee} of Claims. Concurred & adjourned to Monday next at 9 O'C. A. M.

MONDAY November 1, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Mr Stanley appointed to perform the duties required by order of Council to be performed by Mr Tomlinson excused for the remainder of the session.

Rec^{d} a bill granting to Joshua Sawyer the sum therein mentioned with an order of the house to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} a bill entitled an act in addition to the act ascertaining the principles on which the list of this State shall be made with an order of the house referring to the Committee of Manufactures, which being considered Resolved to concur in said reference.

Rec^{d} the petition of Inhabitants of Grafton with an order of the house referring the same to the committee on the petition of Solomon Chapin, which being read Resolved to concur in said reference.

Rec^{d} a bill amending the act constituting the Supreme Court &c. with an order of the house to refer the same to Com^{ee} of 4 to join, which was read & Resolved to concur in said reference & Mr Berry appointed.

Rec^{d} a bill to make void the doings therein mentioned with an order of the house to refer the same to the Turnpike Committee, which being considered Resolved to concur in said reference.

The petition of Dan$^{l.}$ Robinson, a convict in the State's prison, was read & ordered to be dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec^{d} the petition of Inhabitants of Westford & Cambridge with an order of the house to refer the same to a committee of 3 to join, which being considered Resolved to concur in said reference & Mr Cotton was appointed.

Rec^{d} a bill laying a tax of 4 cents pr acre on the town of Coventry with an order of the house to refer the same to the land tax Committee, which being considered Resolved to concur in said reference.

Rec^{d} a bill directing the Treasurer to pay Daniel Adams the sum therein mentioned with an order of the house to refer the same to the Committee on the petition of Jon$^{a.}$ Fassett, which was read & Resolved to concur in said reference.

Rec^{d} a resolution instructing the Committee of Ways & Means to inquire why the town of Canaan has not paid taxes, which was read & Resolved to concur in said resolution.

The petition of Simeon Walker a convict was read & dismissed.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. " An act for the relief of Silas Hathaway;—An act reviving a tax of 3 cents pr acre on the town of Winhall;—An act appointing a collector of certain rate bills against inhabitants of Hartford;—An act directing the treasurer to pay Willis Hatch the sum therein mentioned;—An act directing the Treasurer to pay Waterman Ensworth the sum therein mentioned;—An act for the relief of Amos Fisk & Amos Fisk Jr.;—An act to incorporate an agricultural Society in the County of Rutland;—An act directing the Treasurer to pay Jason Newton the sum therein mentioned;—An act directing the Treasurer to pay Thomas Mooney the sum therein mentioned;—An act relating to the dower of Elizabeth Gallup, widow of Oliver Gallup Esq$^{r.}$ Deceased, late of Hartland;—An act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned;—An act to legalize & confirm the doings of Joseph Knights Jr. therein mentioned;—An act for the relief of James Olds;—An act directing the Treasurer to pay Amaziah Woodward the sum therein mentioned;—An act constituting a Company of Artillery in the town of Barre in the County of Washington;—An act granting to Ira Hill the exclusive right of keeping a ferry;—An act for the relief of John Cameron;—An act in addition to & alteration of an act entitled an act constituting a Company of Infantry in Chelsea &c.;—An act appointing a committee to examine a highway therein mentioned;—An act for the relief of Pearson True;" [which were severally passed in concurrence.]

Adjourned to 9 O'C. A. M. to morrow.

Tuesday 9 O'C. A. M. 2 of November 1819.

Governor & Council met pursuant to adjournment.

His Excellency ordered the following communication to be sent to the Gen^{l} Assembly:—Hon. W$^{m.}$ A. Griswold Speaker of the House of Representatives. Sir,—I have received notice that the Hon. William Slade Jr. has declined the acceptance of the appointment of Judge of Probate

for the District of Addison for the year ensuing. The Gen[l] Assembly will please to adopt proper measures to fill said Vacancy.

JONAS GALUSHA.

Rec[d] the bill for the relief of Abner Moore Jr. with an order to refer the same to the committee of new trials, which being considered Resolved to concur in said reference.

An act repealing all acts exempting the property of Ministers of the Gospel from taxes was rec[d] with an order of the house referring the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Rec[d] a bill laying a tax of 2 cents pr. acre on the township of Sterling with an order to refer the same to the land tax Committee, which being considered Resolved to concur in said reference.

Rec[d] a bill from the house to legalize the doings of a committee appointed to lay out a road from Stowe to Waterbury, which had been referred to a [the] Turnpike committee—that order rescinded & referred to a committee of 2 to join, which was considered & Resolved Mr Chittenden appointed to join.

Rec[d] from the house the following engrossed bills sent up for revision & concurrence &c. "An act for the relief of Barney Richmond; An act directing the Treasurer to pay Bohan Shepard the sum therein mentioned"—which were read & Resolved to concur in said bills.

Rec[d] a bill in addition to an act constituting the Supreme Court &c. with an order of the house referring the same to the judiciary Committee, which was read & Resolved to concur in said reference.

Rec[d] the bill repealing a part of an act reducing into one the several acts for laying out &c. highways with an order of the house to refer the same to a committee of 4 to join, which being considered Resolved to concur in said reference & Mr Wetmore was appointed to join.

Rec[d] a bill repealing an act in addition to an act for the Support of Schools with an order of the house to refer the same to the judiciary Committee, which was considered & Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met pursuant to adjournment.

Rec[d] from the house the following engrossed bills sent up for revision & concurrence & proposals of amendment, Viz. "An act in addition to an act granting relief to J. H. Peaslee & N. B. Haswell; An act directing the Treasurer to pay Hosea Chamberlin the sum therein mentioned;" which were severally read & Resolved to concur in passing the same into Laws.

Rec[d] a resolution of the house directing the committee on the petition of Henry Buell to bring in a bill for a Lottery for the benefit of the deaf & dumb, which was read & Resolved to nonconcur in passing said resolution & Messrs. Fay & Leland were appointed to draw the reasons of Council for their nonconcurrence, which reasons were laid before the Governor & Council, accepted & sent with said resolution to the Gen[l] Assembly.

Rec[d] the Engrossed bill entitled "an act amending an act granting a lottery to Stephen Conant" &c. which was read & Resolved to nonconcur in passing the same. Messrs. Cahoon & Wetmore were appointed to draw up the reasons, which was done & laid before the Governor & Council & accepted & ordered to be sent to the Gen[l] Assembly with the bill.

Adjourned to 9 O'C. A. M. to morrow.

WEDNESDAY Nov. 3d, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Recd a communication of the Superintendent of the State's Prison with an order of the house referring the same to the Committee of Ways & Means, which was read & Resolved to concur in said reference.

Recd a resolution from the house appointing Wednesday (this day) a time for both houses to meet & elect trustees to the University of Vermont to fill the vacancies that exist, which was read & Resolved to concur with a proposal of amendment to erase the word "Wednesday" & insert "Thursday." Mr Hatch of the house came into Council Chamber & gave notice that the Genl Assembly had concurred in the said amendment.

Recd a bill directing the Treasurer to pay J. Mower the sum therein mentioned, & the Petition of Inhabitants of Elmore, with an order of the house on each referring the same to the Committee of Claims, which were considered & Resolved to concur in said references.

Recd the petition of overseers of poor of Newfane with an order of the house to refer the same to the Committee of new trials, which being considered Resolved to concur in said reference.

Recd the petition of Roderick Messenger & Daniel Douglass with an order of the house to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Recd from the house the following engrossed bills sent up for revision & concurrence &c. "An act laying a tax of 4 cents pr acre on the town of Brownington ; An act in addition to an act laying a tax of three cents pr acre within the charter bounds of Chittenden &c.; An act restoring Joseph Huntington to his legal privileges ; An act laying a tax of 3 cents pr acre on the town of Fayston ; An act incorporating certain persons therein named by the name of the St. Albans fire Company ; An act appointing a collector in the town of Putney ; An act to revive an act granting a tax of 3 cents pr acre on the town of Essex ; An act directing the Treasurer to pay H. Mead the sum therein mentioned ; An act restoring John T. Rutter to his legal privileges ; An act for the relief of Luther Park ; An act directing the Treasurer to pay Hiram Wallace the sum therein mentioned ; An act directing the Treasurer to pay James Elliot the sum therein mentioned ; An act directing the Treasurer to pay Rich Stevens the sum therein mentioned ; An act laying a tax on the town of Roxbury of 4 cents pr acre ; An act restoring Amos Davenport to his legal privileges ;" which were severally read & Resolved to concur in passing the same into laws.

Recd resolution directing the quarter master general to provide suitable place for safe keeping the 617 stands of arms ready to be delivered by the United States, which was read & Resolved to concur in said resolution.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Recd Pet. of Saml. Jewell with an order of the house to refer the same to the Committee of Claims. Concurred.

Recd the engrossed bill entd "an act in addition to an act for the relief of Timothy Mathews," sent up for revision & concurrence, which was read & passed into a Law.

Adjd to 9 O'C. A. M. to morrow.

THURSDAY November 4, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Governor & Council met the Genl. Assembly in joint Comee to elect County Officers & the Committee adjourned to Monday next at the opening of the house in the morning. The joint Committee then proceeded to elect Trustees of the University of Vermont, & then the committee for that purpose adjourned to Monday next at the opening of the house.[1]

Recd the bill directing the Treasurer to pay Jona. Draper the sum therein mentioned with an order of the house to refer the same to the Committee of Claims, which was read & Resolved to concur in said reference.

Mr Wetmore excused for the remainder of the Session from & after tomorrow.

Adjourned to 2 O'C. P. M.

2 O'C. P. M. — Governor & Council met agreeably to adjournment.

The petition of selectmen of Somerset was recd with an order of the house to refer the same to the Committee of Ways & Means, which being considered Resolved to concur in said reference.

Recd the bill to lay out a road from St. Johnsbury to Concord with an order to refer the same to a committee of 2 to join, which was considered & Resolved to concur in said reference & Mr Cahoon was appointed.

Recd from the house the following engrossed bills sent up for revision & concurrence &c. "An act for the relief of Moses Bradley ; An act restoring James Rich to his legal privileges ; An act directing the Treasurer to credit the constable of Brownington the sum therein mentioned," which were severally read & Resolved to concur in passing said bills into Laws.

Adjourned to 9 O'C. A. M. to morrow.

FRIDAY Nov. 5th, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Recd the following engrossed bill entid. "an act in addition to an act for the due observation of the Sabbath," which was sent up for revision & concurrence &c. & was read & Resolved to concur in passing the same into a Law.

Recd the petition of Dolly Atwood with an order of the house referring the same to the Judiciary Committee, which being considered Resolved to concur in said reference.

Recd the bill for the relief of Levi Fullum & Joel Tinker with an order of the house referring the same to the Committee [on petition] of Nathan Ball, which being considered Resolved to concur in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Recd from the house a bill to prevent the purchase of Choses in action with an order of the house to refer the same to the judiciary Committee, which being considered Resolved to concur in said reference.

Recd the bill for the relief of certain of the Militia of this State with an order of the house to refer the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. to morrow.

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[1] The Trustees elected were Titus Hutchinson, Calvin Yale, William Nutting and William Baxter.

SATURDAY Nov. 6, 1819. 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Rec^{d} the bill to provide for altering the county road from Bellows Falls in Rockingham &c. with an order of the house to refer the same to the committee on the petition of Solomon Chapin, which was considered & Resolved to concur in said reference.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. An act for the relief of David Oaks; An act directing the Treasurer to pay Jabez Delano the sum therein mentioned; An act granting to James Lewis the exclusive right of keeping a ferry; An act directing the Treasurer to credit Thaddeus Roys 1st Constable of the town of Lemington the sum therein mentioned; An act to revive an act empowering Joseph Scott &c. to make certain alterations in a county road &c.; An act directing the Treasurer of this State to credit David Crane the sum therein mentioned; An act appointing a committee to lay out a road from Cobb's mills in Barton to the center of Coventry; An act directing the Treasurer to credit the 1st Constable of the town of Belvidere the sum therein mentioned; An act to provide for laying out & surveying a market road from the Village in Middlebury to lake Champlain; An act for the relief of Dan$^{l.}$ Coit; An act for the relief of Alpheus Taft; An act laying a tax on the County of Orleans; An act laying a tax of 6 cents pr acre on Goshen Gore; An act reviving an act laying a tax of 4 cents pr acre on the township of Eden; An act laying a tax of 3 cents pr acre on the town of Guildhall; An act appointing a committee to resurvey a part of the Stage road from Middlebury to Pittsford; An act for the relief of Thomas Witt; An act to repeal an act therein mentioned; An act directing the Treasurer to pay Thomas Leverett the sum therein mentioned; An act laying a tax of 3 cents pr acre on the town of Marshfield;—which were severally read & Resolved to concur in passing the same into laws.

Rec^{d} the engrossed bill entitled an act in addition to an act providing for the Government & management of the State's prison, sent up for revision & concurrence &c. which was read & on the question Shall the Governor & Council nonconcur in said bill the yeas & nays were taken as follows: *Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Cahoon, Butler, Stanley, Cotton, Wetmore & Berry. *Nays*, Messrs. Hammond, Leland & Chittenden — so the bill was nonconcurred & the reasons in writing returned to the Gen^{l} Assembly with the bill.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. An act for the relief of Abner Moore Jr.; An act for the relief of the Overseers of Newfane; An act laying a tax of four cents pr. acre on the town of Derby in the County of Orleans; An act for the relief of Ziba Loveland; An act freeing & releasing the body of Jacob F. Dodge from arrest & imprisonment—which were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} the petition of Stebbins Walbridge with an order of the house to refer the same to the Judiciary Committee, which was considered & concurred in said reference.

Rec^{d} the bills, an act repealing an act therein mentioned—& an act for the relief of certain of the Militia of this State, with an order of the house on each referring the same to the Judiciary Committee, which were considered & Resolved to concur in said reference.

Rec^{d} the bill in addition to an act incorporating a Company of Artillery in the town of Montpelier with an order to refer the same to the

Military Committee, which being considered Resolved to concur in said reference.

Rec^{d} the bill directing the Treasurer to pay Thomas Richards the sum therein mentioned with an order of the house referring the same to the Committee of Claims, which being considered Resolved to concur in said reference.

Rec^{d} the petition of sundry Inhabitants of Craftsbury with an order to refer the same to the land tax Committee, which being considered Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. Monday next.

MONDAY November 8, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} from the house a resolution instructing the Judiciary Committee to enquire into the expediency of passing a law granting right of appeal on report of committees appointed to assess damages for laying out highways, which was read & Resolved to concur in said resolution.

Rec^{d} a bill in addition to an act therein mentioned with an order to refer to the judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. "An act to provide for laying out & altering the County road from Bellows falls in Rockingham to Massachusetts line; An act to provide for laying out a road from St. Johnsbury to Concord; An act directing the Treasurer to pay Truman Purdy the sum therein mentioned;" which were severally read & Resolved to concur in passing the same into laws.

Governor & Council met the house in joint Committee to elect County Officers, & after completing the same the joint Committee dissolved.

Governor & Council then met the Gen$^{l.}$ Assembly in joint Committee to elect a trustee for University of Vermont, which being done the Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.[1]

2 O'C. P. M.—Governor & Council met according to adjournment.

Rec^{d} the bill to prevent the sale of lottery tickets, with an order of the house to refer the same to the Judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} a resolution appointing a committee of four to enquire into the expediency of adopting a memorial to Congress, soliciting that body to prohibit the further introduction of Slavery into the territories of the United States &c. which was read & Resolved to concur in said resolution & Mr Hammond was appointed to join from Council.

Rec^{d} a bill in addition to an act constituting the Supreme & County Courts with an order of the house referring the same to the Judiciary Committee, which being considered Resolved to concur in said reference.

Rec^{d} a bill directing the Treasurer to pay ——— dollars to the several Judges of the Supreme Court, being for extra services, with an order of the house to refer the same to a committee of 4 to join, which was considered & Resolved to concur & Mr Cahoon was appointed.

Rec^{d} the engrossed bill Entitled "An act giving the town of Brookline the right of representation in the Gen$^{l.}$ Assembly," which had been sent up for revision & concurrence &c. which was now read & Resolved to

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[1] Rev. Asa Lyon was elected Trustee.

nonconcur in passing this bill & the reasons for the nonconcurrence were returned to the house with said bill.

Adjourned to 9 O'C. A. M. to morrow.

TUESDAY November 9, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} a resolution from the House appointing 10 O'C. forenoon on tuesday next a time for both houses to meet to elect a Warden & Superintendent of the State's prison, an Auditor of Accounts in the Treasury Department, & three directors of the State Bank, which was read & Resolved to concur in said resolution with the following proposals of amendment, to wit, erase the words "10 *O'C. forenoon*" & insert "2 *O'C. afternoon*"—also erase the words "*Warden &.*" Mr Fay was appointed to assign the reasons to the house.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. Viz. An act establishing a Company of Artillery in the 1st regiment 2^{d} Brigade & 1st Division of the militia of this State;—An act for the relief of Lemuel Kendrick; An act for the preservation of Pickerel in Fairlee [pond] & in the saw mill pond so called at the outlet of the same;—which were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} a bill in addition to an act constituting the Supreme Court of Judicature & County Courts &c. with an order of the house to refer the same to the Judiciary Committee, which being read Resolved to concur in said reference.

Rec^{d} the petition of Ebenezer White Jr. & R. White with an order of the house to refer the same by recommitment to the Committee of Claims, which being considered Resolved to concur in said recommitment.

Rec^{d} a resolution of the house raising a sum of money for the benefit of the deaf & dumb with an order to refer the same to a committee of four to join from Council, which being read Resolved to concur in said reference & Mr Crawford appointed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} a bill in amendment of an act regulating & governing the militia of this State with an order to refer the same to the Military Committee, which was read & Resolved to concur in said reference.

Rec^{d} the bills an act defining the powers of Justices of the peace & an act directing the treasurer to pay R. C. Mallary the sum therein mentioned, which being read, Resolved to concur with the house in their reference of the same to the Judiciary Committee.

Rec^{d} a resolution instructing the Judiciary Committee to inquire into the expediency of empowering Justices of the peace to administer the poor debtor's oath, which was read & Resolved to concur in said resolution.

Rec^{d} from the house the following eugrossed bills sent up for revision & concurrence &c. "An act empowering the Auditor of Accounts against this State to audit an account therein mentioned;—An act laying a tax of 2 cents pr acre on the town of Pittsfield;—An act to provide for laying out a Road from St. Johnsbury to Concord;" which were severally read & Resolved to concur in passing the same into laws.

Adjourned to 9 O'C. A. M. to morrow.

WEDNESDAY Nov. 10, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} a bill directing the Treasurer to pay the sum therein mentioned with an order of the house to refer the same to the Committee of Claims, which was considered & Resolved to concur in said reference.

Rec^{d} a bill respecting the State printing with an order to refer the same to a committee of 2 to join, which was read & concurred to join, & Mr Fay was appointed.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. "An act directing the State's attorney for the County of Caledonia to allow & credit R. W. Fenton the sum therein mentioned; An act directing the Treasurer to pay Nathan Fuller the sum therein mentioned; An act appointing a committee to lay out & survey a road from Westford in Chittenden County to Cambridge in Franklin County; An act appointing a committee to ascertain whether there are any lands belonging to this State in Bradford in the County of Orange; An act for the relief of John Gordon; An act granting the exclusive right of keeping a ferry therein named to Eleazer Brooks; An act for the relief of Eli Barnard; An act in addition to an act to appoint a committee to lay out & survey a road leading from lower village in Grafton, &c.; An act for the relief of Jonathan Barlow; An act laying a tax on the County of Caledonia; An act to provide for laying out & altering the road from Douglass' Bridge in Brandon &c. to road from Rutland to Castleton; An act assessing a tax for the support of Government; An act to restrain certain animals from running at large within villages in this State," which were severally read & passed into Laws.

Adjourned to 2 O'Clock P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Mr. Van Ness of the Gen^{l} Assembly came into Council Chamber & returned the resolution appointing a time for both houses to meet & elect a Warden & Superintendent of State's prison, which had been sent to the house amended, in which amendments the house nonconcurred, & Mr Van Ness assigned the reasons of the Gen^{l} Assembly.

Rec^{d} the petition of Elihu Tabor with an order of the house to refer the same to the Committee of Insolvency, which was read & Resolved to concur in said reference.

Rec^{d} a resolution instructing the Judiciary committee to enquire into the expediency of extending the provisions of the trustee act, which was read & Resolved to concur in said resolution.

Rec^{d} the bill in addition to an act appointing a committee to lay out a road &c. in Stowe &c. to Waterbury &c. with an order of the house to refer the same to the Turnpike Committee, which being considered Resolved to concur in said reference.

Rec^{d} from the house the following engrossed bills sent up for revision & concurrence &c. "An act appointing a committee to survey a road from the south line of Waitsfield in the County of Washington to Roxbury in the County of Orange; An act in addition to an act entitled an act relating to actions of account; An act directing the Treasurer to pay Samuel Jewell the sum therein mentioned; An act for the relief of the town of Somerset; An act for the relief of David Page; An act laying a tax of 2 cents per acre on the town of Sterling; An act in addition to an act incorporating certain turnpike Companies in the western Counties of this State; An act granting relief to Jonathan Smith;" which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 9 O'C. A. M. to morrow.

THURSDAY, November, 11 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} resolution of Gen$^{l.}$ Assembly instructing the Committee of Ways & Means to enquire how much Tea, Coffee, Sugar &c. has been used in the State's prison, which was read & Resolved to concur in said resolution.

The engrossed bill entitled an act regulating the practice of Physic & Surgery was read & Resolved to non-concur in passing the same & the bill was returned to the Gen$^{l.}$ Assembly with the reasons of the Governor & Council for the nonconcurrence.

Rec^{d} from the House the following resolution—

"IN GEN$^{L.}$ ASSEMBLY Nov. 10, 1819.

Resolved the Governor & Council be respectfully requested to attend the hearing of the petition of Stephen Boorn & Jesse Boorn, under sentence of death, praying for a pardon, in the representatives' room on friday 12th day of November instant at 10 O'C. forenoon. Attest

W. D. SMITH, *Clerk.*"

Mr Leland on motion & leave introduced the following resolution :

IN COUNCIL Nov. 11, 1819.

Resolved that the Governor & Council do respectfully accept of the invitation of the Hon. the Gen$^{l.}$ Assembly contained in their resolution of the 10 of Nov. instant to attend in the representatives' room on friday the 12th instant Nov. at 10 O'C. A. M. for the purpose of hearing the petition of Stephen Boorn & Jesse Boorn under sentence of Death, praying for a pardon, [which was adopted.[1]]

The resolution appointing a time for both houses to meet & elect Warden & Superintendent of State's prison &c. which had been returned by the House with their nonconcurrence to the proposals of amendment made by the Governor & Council, was now taken up & passed with proposals of amendment—erase "*tuesday*" & insert "*Saturday*," & rescind the former proposals of amendment.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. "An act assessing a tax on the County of Windsor ; An act for the relief of Daniel Douglass; An act for the benefit of Apollos Austin & John Kellogg adm$^{rs.}$ to the estate of Josiah Austin deceased; An act to incorporate the Poultney female academy ; An act directing the Treasurer to pay Joshua Sawyer the sum therein mentioned;" which were severally read & Resolved to concur in passing the same into laws.

Adjourned to 2 O'C. P. M.

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[1] This is one of the most remarkable cases in the history of criminal jurisprudence. The testimony was so strong that the jury in one hour agreed upon a verdict that the respondents were guilty of the murder of Russel Colvin of Manchester in 1812 : indeed Stephen Boorn confessed the crime, with many circumstances corroborated by the testimony. Jesse Boorn's sentence to death was commuted to imprisonment for life ; but in Dec. 1819, about a month before Stephen Boorn was to have been executed, the man Colvin, who was supposed to have been murdered, returned to Manchester from New Jersey, where he had been living subsequent to April 1813.—For the testimony in this remarkable case, see printed *Assembly Journal* of 1819, pp. 185-196. A complete history of it has recently been published by Hon. LEONARD SARGEANT of Manchester, who was one of the counsel for the respondents. In 1820 the Boorns petitioned the General Assembly for compensation for their imprisonment and trial, which was refused.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. "An act to regulate the choice of Council of Censors; An act granting relief to the overseers of the poor of Clarendon; An act for the relief of James Johnson ; An act authorizing the Auditor of Accounts against this State to audit certain accounts therein mentioned ; An act directing the Treasurer to pay Daniel Adams the sum therein mentioned ; An act for the relief of Peter Bishop ; An act laying a tax of 4 cents pr acre on the town of Elmore ; An act to preserve fish in the Streams in Bennington &c.; An act for the relief of certain militia of this State," which were severally read & Resolved to concur in passing the same into Laws.

Adjourned to 9 O'C. A. M. to morrow.

Friday Nov. 12, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} a bill repealing all acts exempting the property of the Ministers of the Gospel from the list with an order of the house to refer the same to the Committee of Ways & Means. Concurred.

Mr Pierpoint of the Gen$^{l.}$ Assembly came into the Council Chamber & gave notice that the house had postponed the hearing of the petitions of Stephen & Jesse Boorn until tomorrow morning at 10 O'C. A. M.

Rec^{d} from the house the engrossed bill entitled "an act appointing an agent to defend a lawsuit therein mentioned," sent up for revision & concurrence &c. which was read & Resolved to concur in passing the same into a law.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} from the house a bill in addition to an act providing for the regulation of the State's prison & altering the punishment of crimes, with an order to refer the same to the Judiciary Committee, which was read & Resolved to concur in said reference.

Adjourned to 9 O'C. A. M. to morrow.

Saturday Nov. 13, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} resolution appointing 10 O'Clock A. M. this day for both houses to meet & elect County Officers, which was read & Resolved to concur in said reference [resolution.]

Rec^{d} resolution appointing the opening of the house this day for both houses to meet in joint committee to elect a person to preach the election sermon at the next meeting of the Legislature in the room of Elder Palmer who declined that service, which was read & Resolved to concur in said resolution. [1]

Rec^{d} a resolution instructing the Judiciary Committee to enquire into the expediency of causing to be recorded in the Secretary of State's office the charters of lands within this State granted by the Governments of New York & New Hampshire, which was read & Resolved to concur in said resolution.

Rec^{d} from the House the following engrossed bills sent up for revision & concurence &c. An act directing the Treasurer to pay the sum therein

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[1] Rev. George Leonard was elected, and Rev. Robinson Smilie his substitute.

mentioned; An act making the necessary appropriations for the Support of Government for the present year & for other purposes; An act for the relief of Levi Fullum & Joel Tinker;—which were read & Resolved to concur in passing the same into Laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c.; An act for the relief of David Dickinson; An act to prevent the Sale of Lottery tickets in this State; An act laying a tax of 2 cents pr. acre on the town of Craftsbury; An act in addition to an act to revive an act entitled an act granting a tax of 4 cents pr. acre on the town of Canaan; An act freeing the body of Henry Hill from arrest & imprisonment; An act in addition to an act for the punishment of certain capital & other high crimes & misdemeanors; An act in addition to & in amendment of an act for the probate of Wills &c.; An act in addition to an act incorporating a company of Artillery in the town of M^{t}pelier, which were read & Resolved to concur in passing the same into Laws.

Adjourned to Monday next 9 O'C. forenoon.

MONDAY November 15, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} an engrossed bill entitled "an act granting the waste water of the aquaduct of the State's prison to the Windsor fire Society," sent up for revision & concurrence &c. which was read & Resolved to concur in said bill with the following proposals of amendment—after the words "*fire Society*" insert "*on condition that they pay annually into the Treasury of this State fifty dollars.*" Mr. Leland appointed to assign the reasons to the house.

Rec^{d} from the House the following engrossed bill entitled "an act in addition to an act for the probate of wills & the settlement of testate & intestate estates," & on the question Shall the Governor & Council nonconcur in passing the same, the yeas [and nays] were called for & taken as follows—*Yeas*, Gov. Brigham, Messrs. Fay, Crawford, Leland, Chittenden, Cahoon, & Butler. *Nays*, Messrs. Hammond, Stanley, Cotton, & Berry. So the bill was nonconcurred & the reasons were sent down to the Gen^{l} Assembly in writing with the Bill.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. An act in addition to an act for the probate of wills & settlement of testate & intestate estates, &c. & An act for the relief of John Atwood, which were severally read & Resolved to concur in passing the same into laws.

Rec^{d} from the house the engrossed bill entitled "An act repealing the first section of an act therein mentioned," sent up for revision & concurrence &c. which was read & Resolved to nonconcur in passing of the same, & the reasons for nonconcurrence were sent to the House with the bill.

Adjourned to 9 O'C. A. M. to morrow.

TUESDAY November 16, 1819. 9 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} from the House the following engrossed bills, sent up for revision & concurrence &c. "An act laying a tax on all the lands in

Averill; An act to revive an act entitled an act appointing a committee to lay out a road from Stowe &c. to Waterbury, & An act to provide for the procuring & distribution of the military System &c.; An act laying a tax on the County of Essex; An act in alteration of an act entitled an act ascertaining the principles on which the list of this State shall be made," & which were read & Concurred.

Rec^{d} from the House a resolution appointing ——— to make appraisal of the property of State's prison & to take an inventory of the same &c., & with an order of the house to refer the same to a committee of 4 to join, which was read & Resolved to concur in said reference & Mr Leland appointed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Governor & Council met agreeably to adjournment.

Rec^{d} from the House thefollowing engrossed bills, sent up for revision & concurrence &c. An act in amendment of an act relating to jails & jailers & for the relief of persons confined therein, passed March 9th, 1797; An act in addition to & in alteration of an act defining the powers of Justices of the peace; An act in amendment of an act entitled an act constituting the Supreme Court of Judicature & County Courts; An act repealing an act therein mentioned; An act directing the Treasurer to pay Hon. Dudley Chase the sum therein mentioned; An act relating to pardons; An act authorizing & empowering the Auditor of Accounts against this State to examine & adjust certain claims therein mentioned; An act repealing parts of certain acts therein mentioned; An act in addition to an act relating to fences & defining the duty of fence viewers; An act repealing all acts exempting the property of Ministers of the Gospel from being set in the list; An act in amendment of an act entitled an act regulating & Governing the militia of this State, which were severally read & Resolved to concur in passing the same into Laws.

Rec^{d} the engrossed bill "An act for the relief of Jesse Boorn," sent up for revision & concurrence &c. which was read and Concurred with proposals of amendment. Mr Butler appointed to assign the reasons to the House.

Rec^{d} the engrossed bill entitled "An act in addition to an act entitled an act directing the levying & serving executions," sent up for revision & concurrence &c. which was read & Resolved to concur with proposals of amendment. Mr. Butler was appointed to assign the reasons to the House.

Rec^{d} a resolution authorizing Abner Forbes, Aaron Leland & Jedediah [H.] Harris on the 1st of December & October next to take an inventory & make appraisal of all moveable property belonging to the State's prison & make report to the next session of the Legislature; read & concurred.

Rec^{d} from the house a resolution appointing Wednesday next at 7 O'C. A. M. a time for both houses to meet & adjourn the Legislature without day, which was read & Resolved to concur in said resolution.

Adjourned to 7 O'C. A. M. to morrow.

Wednesday November 17, 1819. 7 O'C. A. M.

Governor & Council met agreeably to adjournment.

Rec^{d} from the House the following engrossed bills sent up for revision & concurrence &c. An act directing the Treasurer of this State to stay proceedings against the town of Canaan; An act providing for the State printing, which were read, [and] Resolved to concur in passing the same into Laws.

Mr Buck came into Council Chamber from the House & gave notice that the General Assembly had on their part finished the business of the Session. Ordered that the Secretary inform the House of Representatives that the Governor & Council had completed the business of the session on their part & would immediately attend in the representatives' room for the purpose of adjourning the Legislature.

Agreeably to the concurrent resolution of both houses the Governor & Council met the house in the representatives' room, and after an address was made to the throne of Grace by the Reverend Chaplain, the Legislature was adjourned without day.

STATE OF VERMONT ss.—I hereby certify that the foregoing from page 83 to page 161 inclusive [of Vol. 8 of manuscript Council Journals,] is a true Journal of the proceedings of the Governor & Council at their session for the year 1819.

R. C. MALLARY, *Secretary.*

FORTY-FOURTH COUNCIL.

OCTOBER 1820 TO OCTOBER 1821.

RICHARD SKINNER, Manchester, *Governor.*
WILLIAM CAHOON, Lyndon, *Lieut. Governor.*

Councillors:

EZRA BUTLER, Waterbury,	SETH WETMORE, St. Albans,
TRUMAN CHITTENDEN, Williston,	JOSEPH BERRY, Guildhall,
TIMOTHY STANLEY, Greensboro',	HENRY OLIN, Leicester,
DAVID FAY, Bennington,	JOSEPH WARNER, Sudbury,
AARON LELAND, Chester,	CHARLES PHELPS, Townshend,
JOHN H. COTTON, Bradford,	JOHN H. ANDRUS, Danby.

ROLLIN C. MALLARY, Poultney, *Secretary* until Oct. 16, 1820.
ROBERT TEMPLE, Rutland, *Secretary* from Oct. 16, 1820.
JOHN PECK, Waterbury, *Sheriff.*

BIOGRAPHICAL NOTICES.

RICHARD SKINNER, LL.D., born in Litchfield, Conn., May 30, 1778, son of Gen. Timothy Skinner, was educated at the Litchfield Law School, and admitted to the bar of Litchfield County in 1800. He came immediately to Vermont, settling in Manchester, where he spent the remainder of his life. He commenced public service in 1801, and was almost constantly in office until he voluntarily retired in 1829. The offices held by him were as follows: State's Attorney for Bennington County 1801 until 1813, and 1819; Judge of Probate 1806 until 1813; Representative in the General Assembly 1815 and 1818, and Speaker of the House in 1818; Member of Congress 1813 until 1815; Assistant Judge of the Supreme Court 1815 and '16, and in 1817 he was elected Chief Justice but declined the office. He was Chief Justice 1823 until 1829; and Governor 1820

Richard Skinner

until 1824. He died May 23, 1833, from injuries received by being thrown from his carriage. "Intellectually his qualities were of that kind which gain the respect and confidence of mankind rather than immediate admiration; as a lawyer and a judge he was noted for the clearness and force with which he presented his cases. He filled the highest places in the State with ability and dignity, and left a reputation of which the town and State may well be proud."—*Vt. Hist. Magazine*, Vol. I, title Manchester; Drake's *Dict. of Am. Biography; Vt. Legislative Directory* for 1876–7; and Deming's *Catalogue.*

Henry Olin was born in Shaftsbury May 7 1768, son of Justice Olin and nephew of Hon. Gideon Olin, both of Shaftsbury. He was also great grandson of John Olin, who was the first of the name in America and settled in East Greenwich, R. I., in 1678. Judge Olin settled in Leicester about 1788 and commenced his public services in 1799 as Representative in the General Assembly, which office he bore twenty-two years out of twenty-six. He was Assistant Judge of Addison County Court eight years, and Chief Judge fifteen years, making twenty-three years of continuous judicial service; Delegate in the Constitutional Conventions of 1814, 1822, and 1828; Councillor in 1820 and '21; Member of Congress from Dec. 1824 to March 4 1825, to supply the vacancy occasioned by the death of Hon. Charles Rich; and Lieut. Governor 1827 until 1830. In physical proportions he was almost gigantic, but in temper genial, abounding in wit and sound judgment. He was an exceedingly useful man in his town, county, and the State; in religion a zealous and consistent Methodist; in politics a Jeffersonian Democrat, and at last a Whig. He was the father of Stephen Olin, D. D. and L. L. D. Removing to Salisbury in the spring of 1837, he died there on the 18th of the succeeding August. — *Vt. Hist. Magazine*, Vol. I, title Leicester; Lanman's *Dict. of Congress;* Drake's *Dict. of Am. Biography;* and Deming's *Catalogue.*

Joseph Warner represented Sudbury in the Constitutional Conventions of 1791 and 1822; and in the General Assembly 1805 until 1818, 1825, and 1828 until 1832. He was Assistant Judge of Rutland County Court 1821 until 1824; and Councillor in 1820 and '21.

Charles Phelps of Townshend was born Sept. 13 1781, son of Col. Timothy, and grandson of Charles Phelps of Marlborough, both of whom were quite troublesome to the Vermont government during the controversy with New York. Hon. Charles Phelps was Judge of Probate in 1821, '22, and '24; Assistant Judge of Windham County Court in 1832, '33 and '34; and Councillor in 1820, '21, and '22. He removed to Ohio, and died in Cincinnati Nov. 19 1854.—B. H. Hall's *Eastern Vermont*, pp. 693–4; and Deming's *Catalogue.*

John H. Andrus came from Colchester Conn., to Danby in 1780, and represented that town in the General Assembly nine years, 1805–

1813, and 1816; also in the Constitutional Convention of 1814. He was Assistant Judge of Rutland County Court in 1811 and 1814 ; and Councillor in 1820 and '21. He removed to Pawlet in 1822, and died there in 1841, aged seventy-three years. — *Vt. Hist. Magazine*, Vol. III, title Danby ; Hollister's *History of Pawlet ;* and Deming's *Catalogue.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER 1820.

STATE OF VERMONT ss.—A Journal of the proceedings of the Governor and Council of the State of Vermont, begun & held at Montpelier in said State, on the second thursday of October in the year of Our Lord Christ one thousand eight hundred and twenty, being the 12th day of said month, and in the forty fifth year of the Independence of the United States — Present His Excellency Jonas Galusha Governor, His Honor Paul Brigham Lieut. Governor, the Hon. David Fay, William Cahoon, Joseph Berry, Seth Wetmore, Truman Chittenden, Aaron Leland, Timothy Stanley, John H. Cotton & Ezra Butler of the Council ; Rollin C. Mallary Esq. Secretary; John Peck Esq. Sheriff of Washington County.

Mr Fletcher, of the House of Representatives, came into the Council Chamber and informed the Governor & Council that the house had organized by choosing Mr Buck Speaker and Mr Smith clerk pro tempore, and were ready to receive any communication that the Governor and Council might be pleased to make. And he withdrew. Ordered, that the Secretary inform the General Assembly that the Governor and Council have convened and formed a quorum, and are ready to receive any communication from the House of Representatives which they may be pleased to make.

Resolved that the Governor & Council will now proceed to the appointment of a committee to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer & Councillors for the year ensuing — Whereupon Messrs. Fay, Leland, Cotton, Wetmore & Berry were duly appointed a committee on the part of the Gov. & Council for the purposes aforesaid ; and were duly sworn to the faithful discharge of their duty.

Mr Sheldon, of the House of Representatives, came into the Council Chamber and informed the Governor and Council that the General Assembly had on their part appointed a committee to receive, sort and count the votes for Governor, Lt. Gov., Treasurer, and Councillors for the year ensuing. And he withdrew. *Ordered*, that the Secretary inform the House of Representatives that the Governor & Council have, on their part, appointed the canvassing committee.

Adjourned to 4 O'clock P. M.[1]

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[1] The election sermon was preached by the Rev. George Leonard.

4 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

Mr Haight of the House of Representatives came into the Council Chamber and informed the Governor & Council that the General Assembly had convened, and were ready to meet the Governor & Council to receive the report of the canvassing committee, and requested their attendance in the Representatives' room. *Ordered*, that the Secretary inform the Gen[l] Assembly that the Governor & Council will immediately attend in the Representatives' room to hear the report of the canvassing committee, which service was performed, and thereupon the Governor & Council attended in the Representatives' room agreeably to the above notice, when the following report of the canvassing committee was read, to wit:

"*To the Hon. General Assembly now in session.*—The committee to receive, sort and count the votes for Governor, Treasurer and Councillors for the year ensuing, having attended to the business of their appointment, do report that the Honorable Richard Skinner is elected Governor, the Hon. William Cahoon, Lieutenant Governor, and Benjamin Swan Esq. Treasurer—and that the Hon. David Fay, John H. Andrus, Aaron Leland, John H. Cotton, Ezra Butler, Seth Wetmore, Charles Phelps, Joseph Warner, Henry Olin, Truman Chittenden, Timothy Stanley, and Joseph Berry are elected Councillors for the year ensuing. Which is respectfully submitted. AARON LELAND, *Chairman.*

JOHN H. COTTON, *Clerk.*

Oct. 12, 1820."

Whereupon the Sheriff of Washington County made proclamation of said elections, and the Governor & Council returned to their chamber.

Adjourned to 9 o'clock tomorrow morn.[1]

FRIDAY October 13, 1820. 9 O'Clock A. M.

The Lt. Governor & Council met pursuant to adjournment. Present Lieut. Gov. William Cahoon, the Hon. David Fay, Truman Chittenden, Timothy Stanley, Aaron Leland, Joseph Berry, Henry Olin, Joseph Warner, Charles Phelps, Seth Wetmore, John H. Cotton, & John H. Andrus, Councillors, who immediately attended in the Representatives' room and after the [an] address to the throne of grace, the oath of office was administered to them, respectively, by the Hon. William Brayton, one of the Judges of the Supreme Court, and they returned to their Chamber & subscribed the same.

Mr. Langdon of the House of Representatives came into the Council Chamber and gave notice that a quorum of the house have assembled, and have appointed the Hon. D. Azro A. Buck, Representative from Chelsea, their Speaker, the Hon. William Slade Jr. Secretary of State, William D. Smith Esq. Clerk, and Timothy Merrill Esq. engrossing Clerk, and are ready to proceed to business.

Ordered, that the Secretary inform the General Assembly that His Excellency the Governor will attend in the Representatives' room at two o'clock this afternoon, to take the oaths of office, and make the executive communication.

The House of Representatives sent up a resolution, appointing two o'clock this day P. M. for both houses to meet to elect a chaplain for the

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[1] The votes for Governor were for Richard Skinner 13,152, scattering 934.

present session, which was read, and the Governor & Council concurred therein, and *Ordered* that the Secretary notify the House of Representatives accordingly.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment.

His Excellency the Governor, attended by the Lieut. Governor & Councillors, proceeded to the Representatives' room & there, in the presence of both branches of the Legislature, took the oaths of office before the Hon. W^m. Brayton, one of the Judges of the Supreme Court, and His Excellency the Governor delivered to both houses the following Speech.[1] The Governor & Council withdrew to their Chamber.

The petition of John Brown & others was read & referred to Lt. Gov. Cahoon & M^r. Olin.

Adjourned to 9 O'Clock to morrow.

SATURDAY Oct. 14, 1820. 9 O'Clock A. M.

The Governor & Council met agreeably to adjournment.

A message was received from the House of Representatives, informing that agreeably to the rules of the House, the following committees had been appointed on their part, to wit, A committee of four, denominated the Military Committee; A committee of four denominated the Judiciary Committee; A Committee of four, denominated the committee of Claims; A committee of four, denominated the Turnpike Committee; A committee of four, denominated the Committee of Insolvency; A committee of four, denominated the Committee on Manufactures; A committee of four, denominated Committee of Agriculture; A committee of four, denominated the Land tax Com^ee; A committee of four, denominated the Com^ee of New Trials, & A committee of four, denominated the Com^ee of Ways & Means, and requesting the Gov. & Council to join said Committees; whereupon, *Resolved* to join with the above committees, and the Lt. Gov. was appointed on the Military Com^ee, M^r. Fay was appointed on the Judiciary Com^ee, M^r. Butler was appointed on the Com^ee of Claims, M^r. Cotton was appointed on the Turnpike Com^ee, M^r. Olin was appointed on the Com^ee of Insolvency, M^r. Chittenden was appointed on the Com^ee of Manufactures; M^r. Leland was appointed on the Com^ee of Agriculture; M^r. Berry was appointed on the Land tax Com^ee, M^r. Wetmore was appointed on the Com^ee of New Trials, M^r. Warner was appointed on the Com^ee of Ways & Means.

Received from the House of Representatives the petition of Solomon Mason, and of sundry officers of the 1^st Co. of Artillery, 1 Brig. 2^d Div. with an order of the House that the same be referred[2] to the Military committee, whereupon *Resolved* to concur in said order of reference.

Received from the House of Representatives the petitions of Oliver Abel, Josiah Crofoot 2^d, Henry Kirkum, creditors of John Gleason, Benjamin Quimby, Martin Brooks, Jasper Southworth, Joshua [Josiah] Cutler, Joseph Atwood, creditors of Jared Sears, Daniel Wilson, Elisha B. Pratt, William Burt Jr. Josiah Nichols, Joseph Lamb, Elijah Boardman, William Trescott, Rufus Graves, W^m Hix, Joseph Ellis, and of Asa Brown; with an order of the House that the said several petitions be referred to the Committee of Insolvency—whereupon, *Resolved* to concur in said orders of reference.

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[1] For speech see *Appendix* A.

[2] Written "refered" generally by Secretary Temple.

Received from the House of Representatives the Petitions of Azariah Hall Jr. Asaph Severance, Aaron Mosher, Daniel Hazelton Jr. Samuel Allen & Samuel Wood, Gideon Barrett, Josiah Willard, Samuel Maynard, Shiverick Holmes, and of John Alvord, with orders of the House that the said several petitions be referred to the Committee of Claims, whereupon *Resolved* to concur in said orders of reference.

Received from the House of Representatives the Petitions of the towns of Somersett, West Fairlee, Fairlee, Woodbury, and of Warren for land taxes, with an order of the House on each that the same be referred to the Land tax Committee, whereupon *Resolved* to concur in said orders of reference.

Received from the House of Representatives the Petitions of the Inhabitants of Greensboro', of the Inhabitants of Hardwick, and of Daniel Pierce & others, with an order of the House on each to refer the same to the Turnpike Committee, whereupon *Resolved* to concur in said orders of reference.

The petition of Stebbins Walbridge was received from the House of Representatives with an order of the House therein to refer the same to the Committee of Insolvency, which was read, whereupon *Resolved* to concur in said order of reference, with an amendment erasing the word "*Insolvency*" and inserting in the place thereof the words "*a select committee to join from Council.*"

Adjourned to 2 O'Clock P. M.

2 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

Received from the House of Representatives the Petition of Milo L. Bennett, with an order of the House thereon, that the same be referred to the Judiciary Committee, whereupon *Resolved* to concur in said order of reference.

Received from the House of Representatives the Petitions of Ezra Everts & others, Timothy Hall, William Barton, and of Solomon Simpson & others, with orders of the House thereon respectively that the same be referred to the Committee of Insolvency, whereupon *Resolved* to concur in said orders of reference.

Received from the House of Representatives the Petition of Samuel Renne, with an order of the House thereon to refer the same to a Com^ee^ of four to join from Council, whereupon *Resolved* to concur in said order of reference, and M^r.^ Phelps was appointed on said committee from Council.

Received from the House of Representatives the Petitions of Elias Badcock, of Alinda Wells and of John Rogers, with an order of the House on each to refer the same to the committee on the petition of Samuel Renne. whereupon *Resolved* to concur in said orders of reference.

Received from the House of Representatives the petitions of Calvin Seaver, of Alvah Heaton, & of Conrad Sax, with an order of the House on each referring the same to the Committee of Claims, whereupon Resolved to concur in said orders of reference.

Received from the House of Representatives the Petition of the inhabitants of Montgomery with an order of the House thereon to refer the same to the Turnpike Committee, whereupon Resolved to concur in said order of reference.

Received from the House of Representatives the Petitions of the inhabitants of Wolcott, & of Joel Bassett, for tax on Granby, with an order of the House on each that the same be referred to the land tax Committee, whereupon *Resolved* to concur in said orders of reference.

Received from the House of Representatives the Petition of James Andrews Jr. with an order of the House to refer the same to a commit-

tee of four to join from Council, whereupon *Resolved* to concur in said order of reference and Mr. Stanley was appointed on the part of the Council.

On motion of Mr. Olin, *Resolved*, that a committee of three be appointed from Council to prepare & report an address to the late Governor and Lieut. Governor, expressive of the sentiments of the Governor & Council towards them for their long and faithful services in the various offices they have sustained in this State. Ordered that Messrs. Wetmore, Olin & Phelps be the committee.

His Excellency the Governor was pleased to appoint Robert Temple Secretary to the Governor & Council for the year ensuing. Mr. Temple came into the Council Chamber and was duly sworn to the faithful discharge of the duties of the office of Secretary to the Governor & Council.

R. C. Mallary, *Secy*

Adjourned to 9 o'clock on Monday morn. next.

Monday October 16, 1820. 9 o'clock A. M.

The Governor & Council met pursuant to adjournment. Present His Excellency Richard Skinner, Governor; His Honor William Cahoon, Lt. Gov. and of the Honorable Council, Messrs David Fay, Charles Phelps, John H. Andrus, Joseph Warner, Aaron Leland, Henry Olin, John H. Cotton, Truman Chittenden, Seth Wetmore, Joseph Berry & Timothy Stanley.

Received from the House of Representatives a resolution instructing the Judiciary Committee to revise the several laws for the punishment of inferior crimes, whereupon, *Resolved* to concur in said resolution.

Received from the House of Representatives a resolution instructing the Judiciary Committee on the subject of recording the charters of lands within this State, whereupon *Resolved* to concur in said resolution.

Received from the House of Representatives a bill entitled "an act in addition to an act entitled an act directing the proceedings against the trustees of concealed or absconding debtors" — also, A bill entitled "an act to provide for the reports of the decisions of the Supreme Court" — also, A bill to repeal the act directing the mode of passing laws—also, A bill entitled "an act in addition to an act entitled an act for the probate of wills, and the settlement of testate and intestate estates"— also, Three bills in addition &c. to an act entitled "an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings"—also, A bill entitled "an act in addition to an act therein mentioned" — also, A bill entitled "an act to repeal a part of the ninth section of an act entitled an act for settling disputes respecting landed property" —also, A bill entitled "an act to prevent the purchase & unlawful procurement of choses in action for the purpose of commencing suits thereon" — with an order of the House on each that the same be referred to the Judiciary Committee, whereupon *Resolved* to concur in said reference.

Received from the House of Representatives the Petition of Benjamin Alvord, with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

Received from the House of Representatives a resolution referring that part of the Governor's speech which relates to courts of justice & a court of chancery, to the judiciary Committee, whereupon *Resolved* to concur in passing said resolution.

Received from the House of Representatives a resolution referring that part of the Governor's speech which recommends an attention to the laws regulating the settlement of testate & intestate estates, to the Judiciary Committee, whereupon *Resolved* to concur in passing said resolution.

Received from the House a resolution relative to granting a second trial in certain criminal cases, referred to the Judiciary Committee, whereupon *Resolved* to concur in said reference.

Received from the House of Representatives the Petition of Elias Keyes v. Throop & Morgan, with an order of the House thereon, that the same be referred to the committee of New trials, whereupon *Resolved* to concur in said order of reference.

Received from the House a resolution referring that part of the Governor's speech which relates to the pursuing and apprehending offenders, to the Committee of Claims, whereupon, *Resolved* to concur in passsing said resolution.

Received from the House of Representatives the petition of Jonathan Taylor, also the petition of Samuel Wheeler for compensation for services as a soldier in the late war. also the petition of Frye Bayley — also, A bill entitled "an act directing the Treasurer of this State to pay Thomas Richards the sum therein mentioned" — with an order of the House on each referring the same to the Committee of Claims, whereupon *Resolved* to concur in said several orders of reference.

Received from the House of Representatives the petition of Elijah Herrick, and thepetition of Enoch Rollins, with an order of the House on each that the same be referred to the Committee of Insolvency, whereupon *Resolved* to concur in said orders of reference.

Received from the House of Representatives petitions from sundry inhabitants of Grafton & Rockingham, of Andover & Weston, and of Rockingham, Westminster & Putney, with an order of the House on each that the same be referred to the Turnpike Committee, whereupon *Resolved* to concur in said orders of reference.

Received from the House of Representatives petitions for land tax on Berkshire,Minehead [Bloomfield,] Kellyvale grant No.2, of John Kimball & Roger Enos for land tax on Barton, of inhabitants of Woodbury, of sundry inhabitants of Enosburgh, of sundry inhabitants of Starksboro' for land tax, & remonstrance of sundry inhabitants of Starksboro' against land tax, petition of inhabitants of Troy for land tax, petition of Inhabitants of Underhill, & of the selectmen of Belvidere, also a bill entitled "an act laying a tax on the town of Braintree," also a bill entitled "an act laying a tax on Coventry," with an order of the House on each of said petitions & bills, referring the same to the Land Tax Committee, whereupon, *Resolved* to concur in said orders of reference.

Received from the House of Representatives a bill entitled "an act appropriating the property of the Vermont State bank for the use of schools," also a Resolution introduced into the House for the appropriation of the same for the improvement of Agriculture, with an order of the House on each that the same be referred to the Committee of Agriculture, whereupon *Resolved* to concur in said order of reference.

Petitions for pardon were received from the following named convicts now confined in the State Prison, to wit, William Ames, Simeon Allen, John F. Bradley, John Brown, John Buckstone, Samuel Blackington, Daniel Butler, Elijah W. Bennet, Jacob Brown, Elijah Brown Jr., Jesse Brooks, William Chase, John Culley, Lewis Cambridge, Asa Chamberlin, Wm. F. Cooper, William Cilly, Richard Davis, Stephen Davis, Jeremiah Downey, Charles Ellis, James Fitch, Roswell Ford, John Flanagan, Elijah Grooms, Samuel Gould, Ira Harrington, Selah Hickcox, Thomas

Hendlen, William Johnson, Joab Jennes, Hiram Kirzan, Horace Kimball, Thomas Levett, Isaac Locke, John Laravier, Bohan S. Monroe, Robert Martial, Bradley Phelps, John B. Putvah, Hugh Platt, William M. Parker, Alfred Prentice, Stephen Prentiss, Daniel Robinson, Lewis Smith, George Simmons, George Shepard, Jesse Sprague, Joshua Sever, Amos Stafford, John Smith, George Wheeler, Daniel Welch, Lyman Wheeler, Peter Wheeler, Thomas Waters, Thomas Williams, John Wilson, and Richard Watson.

Adjourned to 2 O'clock P. M.

2 O'Clock P. M.—The Governor & Council met agreeably to adjournment.

Received from the House of Representatives the petition of Lyman Leach & others, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon *Resolved* to concur in said reference; and M^r. Andrus was appointed on the part of the Council.

Received the petition of the select men of Whiting, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference; and M^r. Berry was appointed on the part of Council.

Received the petition of Daniel Wilkins & others, with an order of the House that the same be referred to a committee of two, to join from Council, whereupon *Resolved* to concur in said order of reference—and M^r. Warner was appointed on the part of the Council.

Received from the House of Representatives the petition of the Select men of Duxbury with an order of the House thereon that the same be referred to a committee of two to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Stanley was appointed on the part of the Council.

Received the petition of Stebbins Walbridge, with an order of the House thereon that the same be referred, agreeably to the proposed amendment of the Council, to a select committee to join, whereupon, *Resolved* that M^r. Fay be appointed on said committee from Council.

Received the petitions of sundry inhabitants of Manchester, with an order of the House thereon that the same be referred to a committee of three to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Fay was appointed on the part of the Council.

Received the petition of sundry inhabitants of Windham, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Phelps was appointed on the part of the Council.

Received from the House the petition of the Episcopal Society of Fairfield, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Leland was appointed on the part of the Council.

Received the petition of Jonathan Fassett, with an order of the House thereon, that the same be referred to a committee of three to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Wetmore was appointed on the part of Council.

Received the petition of Jonathan Hunt Jr. & others for a Bank, with an order of the House thereon that the same be referred to a committee of seven to join from Council, whereupon, *Resolved* to concur in said order of reference, and Messrs. Olin & Warner were appointed on the part of the Council.

Received from the House a proposed resolution relative to the University of Vermont, with accompanying papers, with an order of the House

thereon that the same be referred to a committee of seven to join from Council, whereupon, *Resolved* to concur in said order of reference, and the Lt. Governor & Mr. Cotton were appointed from Council.

Received from the House of Representatives a resolution referring that part of the Governor's speech which relates to instructing our Senators & advising our representatives in Congress from this State &c. to a select Committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Phelps was appointed on the part of Council.

The Petition of Simeon Walker, a convict in the State prison, for a Pardon, was taken up and read, when it was moved by Mr. Fay that a pardon be granted the petitioner, on condition that he leave this State within one day after receiving his pardon, and not return within twenty years, which was determined in the negative, yea 1, nays 11. Mr. Fay voted in the affirmative. Those who voted in the negative are the Lt. Governor, Messrs. Andrus, Berry, Chittenden, Cotton, Leland, Olin, Phelps, Stanley, Warner & Wetmore. So it was ordered that said petition be dismissed.

Adjourned to 9 O'Clock to morrow morning.

Tuesday Oct. 17, 1820. 9 O'Clock A. M.

The Governor & Council met agreeably to adjournment.

The petition of William Cilly, a convict in the State prison, for a Pardon, was taken up and read—when it was moved by Mr. Olin that the said William Cilly be pardoned on condition that he leave this State within thirty days from the date of his pardon, and not return within twenty years ;—which was determined in the affirmative, yeas 11, nay 1. Those who voted in the affirmative are, the Lt. Governor, Messrs. Andrus, Berry, Chittenden, Cotton, Fay, Leland, Olin, Stanley, Warner & Wetmore. Mr. Phelps voted in the negative.

Received from the House of Representatives a Resolution, that the members of both houses meet in County Conventions this day at 4 o'clock P. M. for the purpose of making nominations of County officers — and that they meet in joint committee in the Representatives' room, at 10 o'clock of Wednesday next, for the purpose of electing such officers— whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly.

Received from the House of Representatives the Petitions of David Thomas and of Thomas Hodgkins, with orders of the House thereon that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said order of reference.

Received the petitions of Jacob Bliss & Saml. S. Bingham, and of Mary Baker, with orders of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said orders of reference.

Received the petition of sundry members of the 1 Reg. 1 Brig & 4 Div. of Militia—also the pet. of the 1 Company of Artillery 3 Reg. 3 Brig. & 4 Divis. with orders of the House thereon that the same be referred to the Military Committee, whereupon, *Resolved*, to concur in said orders of reference.

Received the Petition of sundry inhabitants of Londonderry with an order of the House thereon that the same be referred to the land tax Comee, whereupon, *Resolved* to concur in said order of reference.

Received the petition of the select men of Barnet, with an order of the House thereon that the same be referred to the Turnpike Comee, whereupon, *Resolved* to concur in said order of reference.

Received the Petition of Abraham M^cWain, with an order of the House thereon that the same be referred to the Committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

Received the Petitions of Alvin House, Charles Byram, Joseph Latham, and of Freeman Squires, with an order of the House on each that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said orders of reference.

Received from the House a Resolution relative to the grant of a lottery for the relief of the deaf & dumb, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, & M^r. Chittenden was appointed from Council.

Received the Petition of John Alexander Jr. with an order of the House thereon that the same be referred to the committee on the resolution for the relief of the deaf & dumb, whereupon, *Resolved* to concur in said order of reference.

Received the Petition & Remonstrance of sundry inhabitants of Grafton, also of Windham, also of Westminster, Grafton & Rockingham, also of Londonderry, with an order of the House on each that the same be referred to the committee to whom was referred the Petition of the inhabitants of Windham, whereupon, *Resolved* to concur in said orders of reference.

Received the Petition of Sol. Wright, adm^r of Charles Wright, with an order of the House thereon that the same be referred to the committee to whom was referred the Pet. of Stebbins Walbridge, whereupon, *Resolved* to concur in said order of reference.

Received the Petition of Clark Watrous, with an order of the House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Warner was appointed from Council.

Received the Petition of sundry inhabitants of Wallingford, with an order of the House thereon that the same be referred to a committee of two to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Andrus was appointed on the part of Council.

Received the Petition of the Trustees of Thetford Academy, with an order of the House thereon that the same be referred to a committee [of three] to join from Council, whereupon, *Resolved* to concur in said order of reference, and his Hon. the Lt. Governor was appointed from Council.

Received a Petition from the towns of Newark & Burke, with an order of the House on the same that it be referred to a committee of two to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Berry was appointed on the part of Council.

Received from the House of Representatives a bill entitled "an act in amendment of an act reducing into one the several acts for laying out, making, repairing & clearing highways," with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Olin was appointed on the part of Council.

Received the Petition of "the White river bridge Company" with an order of the House thereon that the same be referred to a committee of three to join from Council, whereupon, *Resolved*, to concur in said order of reference, and M^r. Cotton was appointed on the part of Council.

Received from the House of Representatives a bill entitled "an act giving to the town of Brookline the right of representation in the General Assembly," with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Re-*

solved to concur in said order of reference and Mr. Phelps was appointed on the part of Council.

Received from the House of Representatives a bill entitled "an act granting the waste water of the acqueduct of the State Prison to the Windsor fire Society," with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, Resolved to concur in said order of reference, and Mr. Leland was appointed from Council.

Received the Petition of the town of Derby, with an order of the House thereon that the same be referred to a committee of three to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Stanley was appointed from Council.

Received from the House of Representatives a bill entitled "an act regulating the practice of physic & surgery within this State," with an order of the House thereon that the same be referred to a committee of eight, to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Wetmore was appointed from Council.

The committee to whom was referred the Petition of John Brown & others, made report, that the prayer thereof ought to be granted, by transferring the militia in that part of Goshen which was formerly the north part of Philadelphia in the 2d Division, from said 2d Division to the first Brigade in the third Division — whereupon, *Resolved* that said report be accepted, and that the Commander in Chief be requested to cause an order to be issued accordingly.

The Council took up the petition of Chester Fletcher for a pardon and after proceeding some time in hearing, postponed the same to this after noon.

Petitions for pardons were received from Joseph Reynolds Jr., William C. Lee, Aaron Rowley, Harvey Medcalf and Daniel Meder, which were filed, and ordered to lie on the table.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.— The Governor & Council met pursuant to adjournment.

On motion, *Resolved* to join with the House of Representatives in appointing a committee of Ways & Means, and Mr. Warner was appointed on the part of Council.

Received from the House of Representatives a Resolution, that the Surveyor of the Public buildings be directed to make such alterations & repairs in the Council Chamber as the Governor & Council shall direct, in which they desire the concurrence of the Gov. & Council, whereupon, *Resolved* to concur in the passage of said resolution.

Received from the House of Representatives a resolution, that both houses meet in the Representatives' room on wednesday next at 10 o'clock A. M. for the purpose of electing Judges of the Supreme Court for the year ensuing, in which they desire the concurrence of the Gov. & Council, whereupon, *Resolved* to concur in the passage of said resolution; and *Ordered*, that the Secretary notify the House of Representatives accordingly.

Received from the House of Representatives a resolution that the Governor & Council, and house of Assembly, in their respective houses, proceed at two o'clock tomorrow afternoon, to ballot for some suitable person as a Senator from this State in the Congress of the United States for six years from and after the third day of March next, and that both houses meet immediately thereafter, in the representatives' room, to complete the said election according to law — in which they desire the concurrence of the Gov. & Council, whereupon, *Resolved* to concur in the passage of said resolution, with an amendment deferring the time

of electing a Senator until thursday next — and *ordered*, that the Secretary notify the House of Representatives accordingly, and request their concurrence in said amendment.

Mr. Olin introduced the following resolution :

"In Council Oct. 17, 1820.

Resolved that a committee of one member be appointed, to join such committee as the Genl. Assembly may appoint, to take into consideration the propriety of passing a law authorizing a board to remit punishment, fines & costs, and to discharge persons confined in the State prison, with such restrictions as may be judged proper, and report by bill or otherwise,"—which was read and ordered to lie on the table.

Received from the House of representatives petitions from Abijah Barnum, Moses Fairbanks. Jacob Bartholomew, Lyman Painter, Israel Marsh, Lynus Beech, Henry Waterhouse, Casper R. Edson, and Patrick Johnson, with an order of the House on each that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said orders of reference.

Received the petition of the Windsor & Woodstock Turnpike Co. the petition & remonstrance of the inhabitants of Peacham, and the petition of the inhabitants of Craftsbury, with an order of the House on each that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said orders of reference.

Received the petitions of Dan. H. Benjamin & Cromwell Bowen, with an order of the House on each that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said orders of reference.

Received from the House of Representatives a bill entitled "an act to revive an act laying a tax of three cents pr acre on lands within the charter bounds of Chittenden," with an order of the House thereon that the same be referred to the Land tax Committee, whereupon, *Resolved* to concur in said order of reference.

Received the petition of sundry inhabitants of Newfane, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon *Resolved* to concur in said order of reference, and Mr. Andrus was appointed on the part of Council.

On motion, *Ordered* that Mr. Olin be excused from serving on Committee of Insolvency whilst the petitions of Henry Waterhouse, Patrick Johnson, Jacob Bartholomew & Israel Marsh are in hearing ; and Mr. Phelps was appointed in his stead to hear & report on said petitions.

Adjourned to 9 o'Clock to morrow morning.

Wednesday October 18, 1820. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

On motion, *Ordered*, that his Honor the Lieut. Governor be excused from serving on the committee to whom was referred the resolution & papers relative to the University of Vermont, and Mr. Phelps was appointed in his stead.

Agreeably to the concurrent resolution of both houses, the Governor & Council met the General Assembly in the Representatives' room, to elect, in joint committee, the County officers for the year ensuing, and after progressing therein, the joint committee adjourned until friday next at 2 o'Clock P.M. and the Governor & Council returned to their Chamber.

Adjourned to 2 o'clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

A message was received from the House of Representatives, by Mr. Keyes, one of its members, informing the Gov. & Council that the

House had concurred in the amendment proposed to the resolution appointing a time for the election of a Senator to represent this State in the Congress of the United States.

Agreeably to the concurrent resolution of both houses, the Governor & Council met the house of Representatives, in the representatives' room, for the purpose of electing, in joint committee, Judges of the Supreme Court for the year ensuing, after which the Governor & Council returned to their Chamber.[1]

Received the petitions of George Warner, Jabez Fargo Jr. Lemuel Buck, and Shiveric Homes & others, with an order of the House on each that the same be referred to the Committee of Ways & Means, whereupon, *Resolved* to concur in said orders of reference.

Received the petition of Levi Hathaway Jr. with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference.

Received the petitions of sundry inhabitants of Peacham, of Reuben Miner Jr. & J. Skeels, of sundry inhabitants of Windsor, & of the inhabitants of Goshen, with an order of the House on each that the same be referred to the Turnpike committee, whereupon, *Resolved* to concur in said orders of reference.

Received from the House a bill entitled "an act for laying out & altering the County road leading from Montpelier to Danville," with an order of the House thereon that the same be referred to the Turnpike Com^ee^, whereupon, *Resolved*, to concur in said order of reference.

Received the petition of Jonathan Shattuck, with an order of the House thereon that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said order of reference.

The petition of Susannah Hecock, for a divorce, was received, with an order of the House thereon that the same be referred to a committee of three to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r^ Olin was appointed on said committee from Council.

The special communication made by his excellency the Governor on the 16 inst. to the House of representatives, was sent up. with an order of the House thereon, that the same, together with the papers referred to therein, be referred to a special committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and his Honor the Lieut. Governor was appointed on the part of Council.

The following is the communication referred to:

"Hon. D. Azro A. Buck, Speaker of the House of Representatives. Sir,—A communication was received from the late Governor, which, together with the papers referred to therein, are herewith transmitted to the General Assembly. I am, Sir, yours respectfully,

RICHARD SKINNER.

State of Vermont, Council Chamber, Oct. 16, 1820."

The communication from the late Governor is as follows, to wit:

"MONTPELIER October 16, 1820.

His Excellency Richard Skinner. Sir,—I submit to you all such communications as have been made to me during the past year, together with such other matters as were connected with my official duty, and now, by me, deemed proper to be laid before the General Assembly for their information. I have therefore to desire that you would communicate them to the legislature, in such manner as you may consider most suitable.

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[1] Dudley Chase, Joel Doolittle, and William Brayton were elected.

The papers marked A, contain resolutions of several States relating to proposed amendments to the constitution of the United States.

The paper marked B, is a letter from the Secretary of State for the United States, requesting to be furnished with the laws of this State. I would here observe, that I have taken the liberty to forward to him four copies of the acts of the Gen$^{l.}$ Assembly, passed in the years 1817, 1818 and 1819, and also gave encouragement that the Gen$^{l.}$ Assembly would cause an equal number of the bound volumes of our laws to be forwarded to his office—one copy for the use of the Executive, one for each branch of the legislature, and one for the library.

Paper marked C, is a letter from the same relative to certain documents of the United States, which have been received and brought to this place, for the use mentioned in said letter.

I would also inform the General Assembly, that pursuant to an act passed Nov. 4, 1817, entitled "an act for ascertaining the claims of this State against the United States, and for obtaining the same," I have used all diligence to procure a settlement of the same; but the almost insurmountable obstacles in the way of settling militia accounts of so long standing has been the cause of so long delay.

I have, however, in the month of March last, with the assistance of our delegation in Congress, especially of M$^{r.}$ Rich, to whom I have made all my communications, obtained a settlement, so far as respects the expense for rations, transportation of baggage, and all other charges in marching the militia detached by order of the United States, in the late war, to their several places of destination, as directed by Gen$^{l.}$ Dearborn, and have received, as Governor of the State of Vermont, a draft from the Treasurer of the United States, on the Branch Bank of the United States at N. York, for the sum allowed, it being four thousand four hundred twenty one dollars & eighteen cents. I have endorsed and delivered the draft to the Treasurer of this State.

All the articles of camp equipage, including the powder & lead furnished by the several towns to the said Militia, were allowed in the settlement and paid for by the United States; they are therefore considered by the Treasury department as the property of the United States; and if any of them are in possession of this State, it is expected they will be turned over to the United States.

The other accounts named in said act were laid out of the settlement, as I had not been able to procure such evidence as would warrant any further proceeding on them.

The laws of the individual States, which have been received during the last year, for the use of the legislature, I have forwarded to this place and deposited them as usual. I have also received from the Secretary of State for the U. States, two hundred and ninety copies of the acts and laws of the U. States, passed the first session of the sixteenth Congress, which copies are at this place, ready for distribution. I have the honor to be, with sentiments of esteem your Excellency's most ob$^{t.}$ serv$^{t.}$

JONAS GALUSHA."

The resolution introduced yesterday by M$^{r.}$ Olin was called up and read, and on the question, "Shall the resolution pass?"—it was determined in the negative—so the resolution was rejected.

On motion, *Ordered*, that the Secretary be directed to prepare & report a form of pardon to persons confined in the State prison.

On motion of M$^{r.}$ Olin, *Resolved*, that the vote granting a pardon to William Cilly be reconsidered—and thereupon it was moved by M$^{r.}$ Fay that the said William Cilly be pardoned so far as to remit the pains & penalties of his sentence, upon condition that he leave this State

within thirty days from the date of his pardon, and not return within twenty years ; which was determined in the affirmative.

Adjourned to 9 o'clock to morrow morning.

THURSDAY October 19, 1820. 9 o'clock A. M.

The Governor & Council met pursuant to adjournment.

Received from the House of Representatives sundry petitions & remonstrances from inhabitants of the towns of Windham, Grafton, Westminster, Rockingham, & Londonderry, which had been committed to a select committee, with an order of the House thereon that the select committee be discharged from the further consideration thereof and that the same be referred to the Turnpike Committee — whereupon, *Resolved* to concur in said discharge & order of reference.

Received the petition of sundry inhabitants of Bradford, Corinth, Topsham, & Orange, with an order of the House of Representatives thereon, that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said orders of reference.

Received the petition of Noyes Hopkinson, with an order of the House thereon, that the same be referred to the land tax Committee, whereupon, *Resolved* to concur in said order of reference.

Received the petition of Amos Stearns, with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

The petition of sundry officers & soldiers of Readsboro' praying to be transferred from the second to the first division of militia of this State, was presented and on motion referred to the Lt. Gov. & Mr. Fay.

The petition of Samuel Durkee, a convict in the State prison, for a pardon, was taken up and on the question "Will the Governor & Council grant a pardon to the said Samuel Durkee ?" It was determined in the affirmative unanimously. Those who voted in the affirmative are, his Hon. the Lt. Gov. Messrs. Andrus, Berry, Butler, Chittenden, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

Adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M. — The Governor & Council met agreeably to adjournment.

Mr. Olin, from the committee appointed to draft an address to the late Governor, reported the following, to wit :

STATE OF VERMONT, IN COUNCIL Oct. 19, 1820.

The Hon. Jonas Galusha.—Sir,—On your retiring from public employments, and again resuming the pursuits of private life, the Governor & Council cannot refrain from an expression of their feelings. The knowledge which they possess of your character forbids, however, that warmth of expression which on other occasions they can with pleasure indulge. But a recurrence to the principal events of your life excites emotions which they cannot repress. The expression is due to you ; it is due to our fellow citizens. Some of us recollect, and all of us know, the zeal and ardor with which you embraced the cause of Independence ; the cheerful alacrity with which you repaired to the scene of one of our most brilliant victories ; and that heroic firmness with which you, by the side of your gallant friends, met the invaders of our country. Among the various employments to which you have been called by the cheerful voice of your fellow citizens, we notice with peculiar pleasure your labors as an associate of this executive Council. They were exerted at a time when all our institutions, like this Commonwealth, were in their infancy.

A direction was to be given to the moral & political principles of a small & dispersed people. The foundation of all those laws & regulations was to be laid, on which repose the happiness and security of society. In the accomplishment of such great & interesting objects, from which we derive those exalted blessings which now surround us, great is the obligation we are under to your paternal care. To such successful exertions as you have made for the prosperity of this rising State, and the ardent yet steady zeal which urged you forward in your honorable course, your fellow citizens were never strangers. They have, with liberal hands, presented you with their best gifts, the richest honors they could bestow, as the testimonials of their esteem for your private & public character. As a Judge, your conduct and intelligent integrity stands approved. As chief magistrate of the State, the people have decided in unequivocal language the high station you occupy in their respect & veneration. We are sensible that a period to public life must arrive. It has been your fortune to decide that period for yourself, at a time when you enjoyed the fullest flow of public confidence. Under such circumstances, deep and lasting must your virtuous merits be engraved on the hearts of your cotemporaries ; and with satisfaction do we entertain the belief that posterity will place you among the best and wisest founders and supporters of this flourishing State. Our earnest wishes and fervent prayers for your happiness will be offered, and our warmest benedictions will attend you in private life ; and under the care of a kind, protecting Providence, may you enjoy that pure satisfaction which ever dwells in the bosom of a good, a virtuous & honest man."

The foregoing address having been read — on motion of M^r. Fay, It was adopted unanimously, and *Ordered* that the Secretary be directed to present the same to the Hon. Jonas Galusha, late Governor of this State.

Received from the House of Representatives a bill entitled "an act for the relief of Ezekiel O. Goodrich"—also the petition of Samuel Shuttleworth—also, The petition of Thomas Hunt, with an order of the House on each, that the same be referred to the committee of Ways & Means, whereupon, *Resolved* to concur in said orders of reference.

Received the petition of the officers of the 2^d Reg^t. 2^d Brig. & 1 Division of the militia of this State, with an order of the House thereon that the same be referred to the Military Committee, whereupon, *Resolved*, to concur in said order of reference.

The petitions of H. P. White, Michael Bennett, Royal H. Gould, & Thomas Nichols, were presented, with an order of the House on each that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said orders of reference.

The petitions of sundry inhabitants of Westfield was received with an order of the House thereon that the same be referred to the Land tax Committee, whereupon, *Resolved* to concur in said order of reference.

The petition of sundry inhabitants of Kellyvale [Lowell,] of Reading, of Georgia, of Cavendish, of Brookline, of Plymouth, and of Westfield, were received, with an order of the House on each that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said orders of reference.

On motion, Ordered that M^r. Cotton be excused from serving on the Turnpike Committee whilst the petitions of sundry inhabitants of Bradford, Corinth &c. are in hearing, and that M^r. Chittenden be appointed in his stead to hear & report on the same.

The petitions of Daniel Tufts, John Boorn, Jesse Boorn, Stephen Boorn, Michael Bennett, Benj. B. Sargent, Samuel Steward, and of Caleb Fish, were received, with an order of the House on each, that the

same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said orders of reference.

The petition & remonstrance of sundry inhabitants of Plymouth was received, with an order of the House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved*, to concur in said order of reference, and Mr. Warner was appointed on the part of the Council.

Received from the House of Representatives a bill entitled "an act incorporating the town of Smithfield in Windsor county," with an order of the House thereon that the same be referred to the above mentioned committee on the petition and remonstrance of sundry inhabitants of Plymouth, whereupon, *Resolved* to concur in said order of reference.

Received from the House the report of the Committee of Insolvency on the petition of Casper R. Edson for an act of suspension, who report that the prayer of the petition ought to be granted, and that an act of suspension be granted the petitioner for the term of five years, with an order of the House thereon that said petition & report be recommitted to the sd Comee, whereupon, *Resolved* to concur in said order of recommitment.

A message was received from the House of Representatives, by Mr. Williams, one of its members, informing the Governor & Council that the house are now ready to proceed to ballot for a Senator to represent this State in the Congress of the United States, agreeably to the concurrent resolution of the two houses. On motion, *Ordered*, that the Secretary notify the House of Representatives that the Governor & Council are now ready to proceed, on their part, to ballot for a Senator to represent this State in the Congress of the United States, agreeably to the concurrent resolution of both houses. The Secretary having notified the House of Representatives accordingly, and returned, whereupon, agreeably to the concurrent resolution of both houses, passed on the 18th inst., the Governor & Council proceeded, by ballot, to elect, on their part, a Senator to represent this State in the Congress of the United States, for the term of six years from and after the third day of March next—and the ballots having been sorted and counted, it appeared that Horatio Seymour had a majority and was duly elected on the part of the Governor & Council. A message was received from the House of Representatives, by Mr. Sheldon, one of its members, informing the Governor & Council that the House have proceeded to ballot for a Senator on their part, agreeably to the concurrent resolution of both houses, and were ready to receive the Governor & Council in the representatives' room to complete said appointment, whereupon, on motion, *Resolved*, that the Governor & Council will immediately attend in the representatives' room for the purpose of completing the appointment of a Senator to represent this State in the Congress of the U. States. The Governor & Council and House of Representatives met in joint committee in the representatives' room, and transacted the following business, as appears from the journal of their clerk, to wit:

"In Joint Committee Oct. 19, 1820.

Pursuant to a concurrent resolution of both houses, his Excellency the Governor, the Council, and House of Representatives met in joint committee in the representatives' room, for the purpose of comparing their respective ballots for a Senator in the Congress of the United States for the term of six years from and after the third day of March next. The respective journals of the two houses were then read—whereupon it appeared that the Hon. Horatio Seymour had a majority of the whole number of votes in each house for the office of Senator as aforesd.

whereupon the said Horatio Seymour was declared duly elected to said office, of which proclamation was duly made. The committee dissolved.

Attest WILLIAM SLADE Jr. *Clerk.*"

The Governor & Council returned to their Chamber.

Petitions were received from Clark Caryl, Calvin Hall, & Timothy Morgan, convicts in the State Prison, for pardon, which were ordered to lie on the table.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY October 20 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The petition of Daniel Beedie for a new trial, was received, with an order of the House of Representatives thereon, that the same be referred to the Committee of New trials, whereupon, *Resolved* to concur in said order of reference.

The petition of William Bennett was received, with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference.

Received from the House of Representatives a bill entitled "an act directing the Treasurer to credit the first constable of Tinmouth the sum therein mentioned," also, The petitions of John Atwood & of John Clark, with an order of the House on each, that the same be referred to the Committee of Ways & Means, whereupon, *Resolved* to concur in said orders of reference.

The petition of Daniel Caruth was received, with an order of the House thereon that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said order of reference.

The petition of sundry inhabitants of Rutland & Parkerstown, and the remonstrance of sundry inhabitants of Rutland were received, with an order of the House thereon, that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said orders of reference.

The petition of sundry inhabitants of Newark was received, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Warner was appointed from Council.

Received the petition of sundry inhabitants of Randolph, Royalton, Bethel & Tunbridge, with an order of the House thereon that the same be referred to a committee of six to join from Council, whereupon, *Resolved* to concur in said orders of reference, and Messrs. Leland & Cotton were appointed from Council.

Received the petition of Sampson Davis & al. with an order of the House thereon that the same be referred to a committee of three to join from Council, whereupon, *Resolved* to concur in said order of reference, and the Lieut Governor was appointed from Council.

Received from the House of representatives a bill entitled "an act in addition to an act therein mentioned," (relative to attaching saw logs &c.) which had been reported by the Judiciary Committee, with an order of the House thereon that the same be recommitted to said committee, whereupon, *Resolved* to concur in said order of re-commitment.

Received from the House of representatives the following resolution, in which they desire the concurrence of the Governor & Council, to wit:

"IN GENERAL ASSEMBLY Oct. 19, 1820.

Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be directed to enquire into the expediency of altering the

mode of assessing damages on the laying out & opening highways by the selectmen of towns, and to report by bill or otherwise."

Whereupon, on motion, *Resolved* to concur in passing said resolution.

Received from the House of representatives the following resolution, in which they desire the concurrence of the Governor & Council, to wit:

"In General Assembly Oct. 19, 1820.

Resolved, the Governor & Council concurring herein, that the Governor be and hereby is, authorized and directed to appoint some suitable person to revise & amend the laws relating to the probate of wills and settlement of testate & intestate estates, and report the same to the next session of the legislature."

Whereupon, on motion, *Resolved* to concur in passing said resolution and *Ordered*, that the Secretary notify the House accordingly.

The petition of Peter Wheeler, a convict in the State prison, for a pardon, was taken up and on the question "Will the Governor & Council grant a pardon to said Peter Wheeler?" it was decided in the affirmative unanimously. Those who voted in the affirmative are, the Hon. Lieut. Governor, Messrs. Andrus, Berry, Butler, Chittenden, Cotton, Fay, Leland, Phelps, Stanley, Warner & Wetmore.

The petition of Clark Caryl, a convict in the State prison, for a pardon, was taken up, and on the question "Will the Governor & Council grant a pardon to said Clark Caryl?" it was decided in the negative as follows, to wit. Mr. Fay voted in the affirmative. Those who voted in the negative are, his Honor the Lt. Governor, Messrs. Berry, Butler, Chittenden, Cotton, Leland, Olin, Phelps, Stanley, Warner & Wetmore. Yea 1, Nays 11—so said petition was dismissed.

The petition of Calvin Hall, a convict in the State prison, for a pardon, was taken up and after hearing the same, on motion, *Ordered*, that said petition be dismissed.

Received from the House of Representatives the petition of the Trustees of the University of Vermont, with an order of the House thereon that the same be committed to a committee consisting of a member from each County, to join from Council, whereupon, *Resolved* to concur in said order of reference, and Messrs. Phelps & Cotton were appointed on the part of the Council.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.— The Governor & Council met pursuant to adjournment.

Received from the House of representatives the resolution & papers relative to the condition of the two literary institutions of this State, with an order of the House thereon that the committee to whom the same had been referred be discharged from the farther consideration thereof, and that the same be referred to the committee raised on the petition of the Trustees of the University of Vermont, whereupon, *Resolved* to concur in said order of discharge & reference.

Received from the House a bill entitled "an act granting relief to Thomas M. Pomeroy and Lemuel Hedge," with an order of the House thereon that the same be referred to the Comᵉᵉ of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

The petitions of Edmund C. Hovey, and of Shiveric Holmes, were received, with an order of the House on each that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said orders of reference.

Received the petition of Roger Fuller, with an order of the House thereon that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said order of reference.

Received the petition of the select men of Londonderry, with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

Received the petition of sundry inhabitants of Bakersfield, Fairfield, & St. Albans, with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference.

Received the petition of Castleton Medical Society, with an order of the House thereon that the same be referred to the committee to whom was referred the bill regulating the practice of physic & surgery within this State, whereupon, *Resolved* to concur in said order of reference.

Received the petition of Wm. Baxter & Isaac Dennison, with an order of the House thereon that the same be referred to the committee to whom was referred the petition of the Inhabitants of Newark, whereupon *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act to preserve the fish in the towns of Arlington, Sunderland, Manchester & Dorset, in the County of Bennington," with an order of the House thereon, that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Andrus was appointed from Council.

Received from the House the petitions of William Williams and of Simeon Wright, with an order of the House on each that the same be referred to the committee to whom was referred the petition of Jonathan Fassett, whereupon, *Resolved* to concur in said orders of reference.

Received from the House of representatives the following resolution, sent up for concurrence, viz.

"In General Assembly Oct. 20, 1820.

Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing an act authorizing the Governor & Council to discharge any convict from the State's prison, and to remit any fine, and costs of prosecution, which said convict may have been sentenced to pay, without granting a pardon for the offense for which the conviction was had.

Whereupon, on motion, *Resolved* to concur in the passage of said resolution.

The petition of Henry Stone, a convict in the State prison, for a pardon, was taken up and was read—and on the question "Will the Gov. & Council grant a pardon to the said Henry Stone ?" It was determined in the affirmative by yeas & nays—yeas 7, nays 6. Those who voted in the affirmative are his honor the Lt. Gov. Messrs. Andrus, Berry, Fay, Phelps, Stanley & Warner. Those who voted in the negative are Messrs. Butler, Chittenden, Cotton, Leland, Olin & Wetmore.

Agreeably to the adjournment of the joint committee of both houses the Governor & Council attended in the representatives' room for the purpose of making further appointments of County officers, and after proceeding therein, the joint committee adjourned to Friday next, the 27 inst. at 2 O'clock P. M. and the Governor & Council returned to their Chamber.

The petition of Samuel Gould, a convict in the State prison, for a pardon, was taken up and read, whereupon, Mr. Butler moved that a pardon be granted to the said Samuel Gould, on condition that he leave this State within twenty days from the date of his pardon, and not return within twenty years. On motion of Mr. Olin, *Ordered*, that the further consideration of this subject be postponed until Monday next.

Received from the House of Representatives the report of the Warden of the State prison, with an order of the House thereon that the

same be referred to the committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

On motion of Mr. Fay, *Ordered*, that the Secretary prepare copies of the reports of the Warden & Superintendent of the State prison, and also the reports of the Auditor & committee of the House appointed last year, for the use of the Council.

Adjourned to 9 o'Clock to-morrow morning.

SATURDAY October 21, 1820. 9 O'Clock A. M.

The Governor & Council met agreeably to adjournment.

On motion of Mr. Leland, *Ordered*, that a condition be inserted in the pardon granted yesterday to Henry Stone, that he leave this State within twenty days from date of pardon, and not return in twenty years.

The petition in behalf of Greenleal Thomas [alias George G. Brown,] a convict in the State prison, for a pardon, was taken up and read and on motion, *Ordered*, that said petition be dismissed.

The petition of Joseph Erwin, a convict in the State prison, for a pardon, was taken up and read, whereupon, on motion of Mr. Phelps, *Ordered* that said petition be dismissed.

Received from the House of Representatives the reports of the Auditor & the Superintendent of the State prison, with an order of the House on each that the same be referred to the committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

Received from the House the petition from the 2 Regt. 1 Brig. & 4th Div. of Militia, and also the petition of Pliny Higley, with an order of the House on each that the same be referred to the Military Committee, whereupon, *Resolved* to concur in said order of reference.

The petitions of Joseph Weeks, and of Caleb Rice, were presented with an order of the House on each that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said orders of reference.

The petitions of the Select men of Sheffield, and of Ryegate, were presented with an order of the House on each that the same be referred to the land tax Committee, whereupon, *Resolved* to concur in said orders of reference.

The petition of Elijah Paine was presented, with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved*, to concur in said order of reference.

The petition of sundry inhabitants of Roxbury was presented, with an order of the House thereon that the same be referred to the committee on the petition of the inhabitants of Newark, whereupon *Resolved* to concur in said order of reference.

Received from the House of representatives the petition of James Andrus, [Jr.] Executor of Orin Ray, together with the report of the committee to whom the same had been referred, adverse to the prayer of said petition, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of reference.

The petition of the select men of Rochester was received with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Leland was appointed from Council.

The petition of Joseph Reynolds Jr. a convict in the State prison, for a pardon, was taken up and read, whereupon, Mr. Butler moved that

said petition be dismissed, which motion was decided in the negative [affirmative.]

Adjourned to Monday morning next, 9 o'clock A. M.

MONDAY Oct. 23, 1820. 9 O'Clock A. M.

Governor & Council met agreeably to adjournment.

The following resolution was sent up from the House of Representatives for concurrence, viz.

"IN GENERAL ASSEMBLY Oct. 21, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in joint committee in the representatives' room, on Tuesday next, at two o'clock P. M. for the purpose of electing a Brigadier General in the first Brigade & 3d Division, also a Brigadier General in the first Brigade & 2d Division, also a Brigadier General in the first Brigade & 4th Division of the Militia of this State."

Whereupon, *Resolved* to concur in the passage of said resolution & on motion, *Ordered*, that the Secretary notify the House accordingly.

Received the petition of Jirah Barlow, with an order of the House thereon that the same be referred to the Committee of Ways & Means, whereupon, *Resolved*, to concur in said order of reference.

Received the several petitions of Seeley Brown, William Smith, John Hall, James Cady, Lucas Thomas, & of Moses Aldrich, with an order of the House on each that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said orders of reference.

Received from the House a bill entitled "an act laying a tax of five cents pr acre on the township of Belvidere," also the petition of sundry inhabitants of Plymouth, with an order on each that the same be referred to the land tax Committee, whereupon, *Resolved* to concur in said orders of reference.

The following resolution was sent up from the House of Representatives for concurrence, to wit.

"IN GENERAL ASSEMBLY Oct. 21, 1820.

Resolved, the Governor & Council concurring herein, that whereas there is no existing law in this State making it penal to counterfeit, alter, or pass, bills of the banks of any foreign State or Government, that the Judiciary Committee be instructed to enquire into the expediency of passing such a law ; and to report by bill or otherwise."

Whereupon *Resolved* to concur in the passage of said resolution.

Received the petition of sundry inhabitants of Fairfield to be annexed to Swanton, with an order of the House thereon that the same be referred to a committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Berry was appointed from Council.

Received from the House of representatives a resolution appointing a committee of four to join from Council to enquire into the expediency of repealing or amending part of the 14 Sec. of an act entitled "an act reducing into one the several acts for laying out, making, repairing & clearing highways," to report by bill or otherwise—whereupon, *Resolved* to join said committee—and that Mr. Stanley be appointed from Council.

The petition of Joseph Reynolds jr. (alias —— Parker,) a convict in the State prison, for pardon, was taken up, whereupon on motion of the Lt. Gov. *Resolved* that the vote taken on Saturday last, on the motion to dismiss said petition, be reconsidered, and on the motion to dismiss said petition being renewed, it was decided in the affirmative and said petition was dismissed.

The petition of James Wilson, a convict in the State prison, for a pardon, was taken up & read & on motion of Mr. Leland, *Ordered* that said petition be dismissed.

The petition of Samuel Gould, a convict in the State prison, was again taken up. On motion of Mr Wetmore, the Question was put, "Will the Gov. & Council grant a pardon to said Samuel Gould, agreeably to the prayer of said petition?" which was decided in the affirmative by yeas and nays—yeas 11. Those who voted in the affirmative are, his Honor the Lt. Gov., Messrs. Andrus, Butler, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore. None voted in the negative.

Adjourned to 2 O'Clock P. M.

2 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

Received from the House of Representatives a bill entitled "an act annexing a part of the town of Goshen to the town of Ripton," with an order of the House thereon that the same be referred to the committee to whom was referred the petition of the inhabitants of Newark, whereupon, *Resolved* to concur in said order of reference.

Received from the House the petition of sundry inhabitants of Cavendish & Weathersfield, & the report of the Turnpike committee thereon, with an order of the House that the same be re-committed—whereupon, *Resolved* to concur in said orders of re-commitment.

The following resolution was sent up by the House of Representatives for concurrence, to wit—

"In General Assembly Oct. 23, 1820.

Resolved that the Judiciary Committee be directed to enquire into the expediency of so amending the law relating to the trial of indictments against towns for not keeping roads in repair, as that all such Indictments shall hereafter be tried by the Supreme Court instead of the County Courts, and report by bill or otherwise"—whereupon, *Resolved* to concur in the passage of said resolution.

Received from the House a bill entitled "an act to stay proceedings against the town of Pawlet," with an order of the House thereon that the same be referred to the committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

The following resolution was sent up for concurrence by the House of Representatives, to wit—

"In General Assembly Oct. 23, 1820.

Resolved that His Excellency the Governor be requested, by & with the advice of the Council, to appoint Friday the 22d day of Dec. next, to be observed as a day of thanksgiving & praise throughout this State."

Whereupon, *Resolved* to concur in passing said resolution.

The Committee to whom was referred the petition of sundry officers & soldiers of Readsboro' praying to be transferred from the 2d to the 1st Division of Militia, made report, that in their opinion the prayer thereof ought to be granted, by transferring the company of Militia in Readsboro' from the 1st Brig. in 2d Div. to the 1st Brig. in the 1st Div. of the militia of this State, and that the Capt. General be advised to issue an order to that effect, which was accepted, whereupon, on motion of Mr Fay, *Resolved* that said report be adopted as the opinion of this Council.

Mr. Olin introduced the following resolution, viz. *Resolved* that the Governor & Council will proceed to elect a Quarter Master General on the 24th day of inst. October, at 10 o'Clock A. M.—and also appoint a Surveyor of the public buildings in Montpelier—which resolution was read & adopted.

The petition of Simeon Allen, a convict in the State prison, who had

served out the term of his sentence, but is detained for costs &c., praying to be discharged, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that the said Simeon Allen be released and discharged from farther imprisonment.

The petition of William Ames, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed.

The petition of Jacob Brown, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The petition of Daniel Butler, for a pardon, was taken up & read, whereupon, on motion of Mr. Cotton, *Ordered*, that said petition be dismissed.

The petition of Daniel Robinson, a convict in the State prison, for a pardon, was taken up and read, and on the question, "Shall a pardon be granted to said Daniel Robinson?" It was determined in the affirmative by yeas & nays, yeas 8, nays 4. Those who voted in the affirmative are his Hon. the Lt. Gov. Messrs. Andrus, Berry, Butler, Fay, Phelps, Stanley & Warner. Those who voted in the negative are Messrs. Cotton, Leland, Olin & Wetmore.

The petition of Elijah W. Bennet, a convict in the State prison, for a pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Samuel Blackington, a convict in the State prison, for a pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

Adjourned to 9 o'clock to morrow morning.

Tuesday Oct. 24, 1820. 9 O'Clock A. M.

The Governor & Council met pursuant to adjournment.

The House of representatives sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 23, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in joint committee in the representatives' room tomorrow, at two O'clock P. M. to elect an Auditor of Accounts against the State, and a Surveyor General."

Whereupon *Resolved* to concur in passing said resolution.

Received from the House of representatives an engrossed bill entitled "an act relating to the dower of Mary Baker, widow of Daniel Baker, late of Grafton, deceased," sent up for concurrence &c. which was read & ordered to lie on the table.

Also, an engrossed bill entitled "an act for the relief of William Hix," sent up for concurrence &c. which was read & ordered to lie on the table.

Also, The petition of E. B. Pratt, with an order of the House thereon that the same be referred to the committee of Insolvency, whereupon, *Resolved* to concur in said order of reference.

Also, The petition of sundry members of the Band of Music 1 Reg. 1 Brig. 2 Div. of Militia, with an order of the House thereon that the same be referred to the military committee, whereupon, *Resolved* to concur in said order of reference.

Also, The petition of sundry officers & privates of 1 compy of Artillery 1 Brig. 2 Div. & the report of the committee thereon adverse to the prayer of said petition, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment.

Also, The petition of Amos Stearns, & the report of the committee thereon adverse to the prayer of said petition, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment.

Also, The petition of James Anderson Jr. & the report of the committee thereon, adverse to the prayer of said petition, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment.

Also, the Petition of Azariah Webb, with an order of the House thereon that the same be referred to the committee to whom was referred the petition of Jon$^{a.}$ Fassett, whereupon, *Resolved* to concur in said order of reference.

The House of representatives sent up the following resolution for concurrence, to wit:—

"In General Assembly Oct. 23, 1820.

Resolved, the Governor & Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of so altering & explaining the several laws regulating fees & taxing costs, that the several County Courts in this State may adopt a uniformity in their practice on the same; and report by bill or otherwise."

Whereupon, *Resolved* to concur in passing said resolution.

The House of representatives sent up the following resolution for concurrence to wit:—

"In General Assembly Oct. 23, 1820.

Resolved, that the Judiciary committee be instructed to enquire into the expediency of providing by law for the support of poor prisoners, committed to jail for crimes in pursuance of the sentence of any County Court or Justice of the peace, after conviction."

Whereupon, *Resolved* to concur in passing said resolution.

The House of representatives sent up for concurrence &c. an engrossed bill entitled "an act appointing a collector for the town of Sutton," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a collector of State taxes against the inhabitants of the town of Duxbury, and authorizing him to collect the same," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act authorizing the selectmen of the town of Peacham to assess damages occasioned by laying a road through lands of John Skeele & Reuben Miner Jr. as therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Josiah Willard the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Michael Bennet," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Enoch Rollins," which was read, whereupon *Resolved* to concur in passing this bill, and *Ordered* that the Secretary notify the House of the passage of said bills.

The petition of John F. Bradley, a convict in the State prison, for a pardon, was taken up & read, whereupon, on motion of M$^{r.}$ Leland, *Ordered* that said petition be dismissed.

The petition of Elijah Brown Jr. for a pardon, was taken up and read, whereupon, on motion of M$^{r.}$ Leland, *Ordered*, that said petition be dismissed.

Agreeably to the resolution passed yesterday, the Governor & Council proceeded to elect a Quarter Master General, when the ballots having been taken & counted, it appeared that Samuel H. Holley Esq. was unanimously chosen. The Governor & Council also proceeded to appoint a Surveyor of Public buildings, when it appeared that Joshua Y. Vail Esq. was duly chosen.

The petition of Joshua Seaver, a convict in the State prison, for pardon, was taken up, and after proceeding to hear the same, was ordered to lie on the table.

The petition of John Buckstone, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'clock P. M.

2 O'Clock P. M.—The Governor & Council met agreeably to adjournment.

The petition of William Chase, a convict in the State prison, for a pardon, was taken up & read, and on motion of Mr. Cotton, the question was put, Shall a pardon be granted to said Wm. Chase? which was determined in the affirmative—yeas 10, nays none. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Cotton, Fay, Leland, Olin, Phelps & Wetmore.

The petition of Jesse Brooks, for a pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of John Brown, for a pardon, was taken up & read, whereupon, on motion of Mr. Cotton, *Ordered*, that said petition be dismissed.

The petition of Lewis Cambridge, for a pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The House of representatives sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 24, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in joint committee this afternoon at 3 O'clock, for the purpose of electing a Chaplain for the remainder of the session."

Whereupon, *Resolved*, to concur in passing said resolution, and, on motion, *Ordered*, that the Secretary notify the House accordingly.

The Gov. & Council attended in the representatives' room agreeably to the several resolutions, to appoint Brigadier Generals, Auditor of Accounts, Surveyor General, & Chaplain, after which the Governor & Council returned to their Chamber.[1]

Received from the House the petition of Jacob Bliss & Saml. S. Bingham, & the report of the Comee thereon, with an order of the House that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment.

Received from the House a bill entitled "an act to repeal an act therein mentioned," (setting out jail yards,) with an order of the House thereon that the same be referred to a Committee of four to join from Council, whereupon, *Resolved* to concur in said order of reference and Mr. Fay was appointed from Council.

The petition of Helon E. Hunt, for an alteration of his name, was received, with an order of the House thereon that the same be referred to a Committee of two, to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Leland was appointed from Council.

The bill entitled "an act relating to the dower of Mary Baker, widow

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[1] The following persons were elected: Ville Lawrence, Samuel Cross, and Judah D. Throop, Brigadier Generals; Norman Williams, Auditor of Accounts; Caleb Hendee Jr., Surveyor General, and Rev. Chester Wright, Chaplain.

of Daniel Baker, late of Grafton, deceased," was taken up, and after some time spent thereon, was ordered to lie on the table.

Adjourned to 9 O'clock to morrow morning.

WEDNESDAY October 25, 1820. 9 O'clock A. M.

The Governor & Council met agreeably to adjournment.

The petition of John Culley, a convict in the State prison, for a pardon, was taken up & read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

Received from the House of representatives the petition of Jonathan Shattuck, with the report of the committee to whom the same was referred, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment.

Received from the House the report of the Auditor in the Treasury Department, with an order of the House thereon that the same be referred to the committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

Received from the House the petition of Benj. B. Sargent, with the report of the committee to whom the same was referred, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment. Also, The petition of Isaiah Townsend, with an order of the House thereon that the same be referred to the committee of insolvency, whereupon, *Resolved* to concur in said order of reference.

The House of representatives sent up the following resolution for concurrence, to wit:

"IN GENERAL ASSEMBLY Oct. 24, 1820.

Resolved, the Governor & Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of passing a law, lessening the time of confinement of poor debtors before they can take the insolvent debtors' oath, and report by bill or otherwise as soon as may be."

Whereupon, *Resolved* to concur in passing said resolution.

The petition of Asa Chamberlin, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed.

The petition of William F. Cooper, for a pardon, was taken up and read, whereupon, on motion of Mr. Butler, the question was put, "Shall the petition be dismissed?" which was determined in the affirmative unanimously — yeas 12. Those who voted in the affirmative are his Honor the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

Mr. Wetmore, from the committee appointed for that purpose, reported an address to the late Lieut. Governor, which was read & ordered to lie on the table.

The petition of Stephen Davis, a convict in the State prison, for a pardon, was taken up & read, whereupon, on motion of Mr. Butler, *Ordered* that said petition be dismissed.

The petition of Jeremiah Downey, for pardon, was taken up and read, whereupon on motion of Mr. Butler, *Ordered*, that said petition be dismissed.

The petition of Richard Davis, for pardon, was taken up & read, whereupon, on motion of Mr. Leland, *Ordered* that said petition be dismissed.

The petition of Charles Ellis, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered* that said petition be dismissed.

The petition of Squire H. Fletcher, for a pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, the question was put—"Shall a pardon be granted to said Squire H. Fletcher?" which was determined in the affirmative—yeas 12, nays none. Those who voted in the affirmative are, his honor the Lt. Governor, Messrs. Andrus, Butler, Chittenden, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

The petition of Roswell Ford, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The petition of James Fitch, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Elijah Grooms, for pardon, was taken up & read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Selah Hickcox, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The petition of Ira Harrington, for pardon, was taken up, and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Thomas Hendlen, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The petition of Jacob Jennes, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The petition of William Johnson, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Hiram Kizer, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Horace Kimball, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Thomas Levett, for pardon, was taken up and read, whereupon, on motion of Mr. Cotton, *Ordered*, that said petition be dismissed.

The petition of William C. Lee, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion of Mr. Fay, the question was put, "Shall a pardon be granted to said Wm. C. Lee?" which was determined in the affirmative by yeas & nays—yeas 7, nays 5. Those who voted in the affirmative are Messrs. Andrus, Butler, Fay, Phelps, Stanley, Warner & Wetmore. Those who voted in the negative are his honor the Lt. Gov. Messrs. Chittenden, Cotton, Leland & Olin.

The petition of Chester Fletcher (alias Chester Fletcher Griggs,) a convict in the State prison, for pardon, was taken up and read, whereupon, on motion of Mr. Butler, the question was put, "Shall a pardon be granted to said Chester?"—which was determined in the affirmative unanimously—yeas 12. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

Adjourned to 2 O'Clock P. M.

2 O'Clock P. M.—The Governor & Council met agreeably to adjournment.

The petition of Chauncey Smith, now confined in Bennington County

gaol, for aiding & assisting in breaking jail, was presented for a pardon, and the same having been read, on motion, the question was put, "Shall a pardon be granted to said Chauncey Smith?" which was determined in the affirmative.

The petition of Jesse Lucas, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion, *Ordered*, that said petition be dismissed.

The petition of Sherebiah Leach, for pardon, was taken up and read, whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed.

The petition of Isaac Locke, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

Received from the House a bill entitled "an act in addition to the several acts establishing a corporation by the name of the Sutton Turnpike Corporation," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act laying out a road from Sutton to Barton," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act directing the Treasurer to pay Norman Williams the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act in addition to an act laying a tax of three cents pr. acre on the town of Sutton," with an order of the House thereon that the same be referred to the land tax Committee, whereupon, *Resolved* to concur in said order of reference.

Received from the House the petition of Israel Marsh, and the report of the Committee of Insolvency adverse to the prayer of said petition, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment.

The House of representatives sent up the following resolution for concurrence, to wit:—

"In General Assembly Oct. 25, 1820.

Resolved that the military committee be instructed to enquire into the expediency of so amending the Militia law that the commanding officer of any regiment shall not call out, for regimental exercise and review, his regiment more than once in two years, except in case of danger; and that no captain or commanding officer of any company shall call out his company more than twice in a year, except in case of danger."

Which was read, whereupon, *Resolved* to concur in passing said resolution.

The engrossed bill entitled "an act relating to the dower of Mary Baker, widow of Daniel Baker, late of Grafton, deceased," was again taken up and read, and the question was put, "Will the Council concur in passing this bill?" which was determined in the affirmative by yeas & nays—yeas, 8, nays 4. Those who voted in the affirmative are his honor the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Cotton, Fay, Leland & Phelps. Those who voted in the negative are, Messrs. Olin, Stanley, Warner & Wetmore. So it was *Resolved*, to concur in passing this bill. *Ordered*, that the Secretary notify the House of representatives accordingly.

Adjourned to 9 o'Clock to-morrow morning.

THURSDAY October 26, 1820. 9 O'Clock A. M.

The Governor & Council met agreeably to adjournment.

The House of representatives sent up for concurrence &c. an engrossed bill entitled "an act granting the waste water of the aqueduct of the State prison to the Windsor fire society," which was read and ordered to lie on the table.

Also, "an act to discontinue a certain road therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Jirah Barlow," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House of the passage of the above mentioned bills.

The petition of Joshua Sever, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted to said Joshua Sever?" which was determined in the negative unanimously. Those who voted in the negative are, his honor the Lt. Gov. Messrs. Andrus, Chittenden, Cotton, Fay, Leland, Phelps, Stanley, Warner & Wetmore—whereupon, on motion, *Ordered*, that said petition be dismissed.

The House sent up for concurrence &c. an engrossed bill entitled "an act freeing & releasing the body of Joseph Lamb from arrest and imprisonment for the term of five years," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House accordingly.

Received from the House the report of the committee appointed to appraise State prison property, with an order of the House thereon that the same be referred to the Committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act to repeal a part of the 9th Sec. of an act entitled "an act for settling disputes respecting landed property," with an order of the House thereon that the same be re-committed to the Judiciary committee, whereupon, *Resolved*, to concur in said order of re-commitment.

The House sent up for concurrence &c. an engrossed bill entitled "an act directing the Treasurer to pay Shiveric Holmes the sum therein mentioned," ($200,) which was read & ordered to lie on the table.

Also, "an act laying a tax of four cents per acre on the town of Woodbury," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Also, "an act laying a tax of three cents per acre on the town of Underhill in the County of Chittenden," which was read & ordered to lie on the table.

Also, "an act granting relief to the Windsor and Woodstock Turnpike company," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Also, "an act directing the Treasurer to credit the first constable of the town of Minehead [Bloomfield] the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House accordingly.

Also, "an act directing the Treasurer to pay Calvin Sever the sum therein mentioned," which was read, and ordered to lie on the table.

Received from the House a bill entitled "an act for the relief of poor debtors," with an order of the House thereon that the same be referred to the Judiciary committee, whereupon, *Resolved*, to concur in said order of reference.

The House of representatives sent up for concurrence &c. an engrossed bill entitled "an act to incorporate an Aqueduct Society in Wallingford," which was read, and ordered to lie on the table. Also, "an act for the relief of Oliver Abel," which was read, and ordered to lie on the table.

Also, "an act for the relief of Jasper Southworth," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Royal H. Gould," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act incorporating certain persons therein named by the name of the Woodstock Fire Society," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of William Trescott," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act restoring Benjamin Alvord to his legal privileges," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of John Gleason," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the foregoing mentioned bills.

The petition of John Laravier, for pardon, was taken up and read, and on motion of Mr. Cotton the question was put, "Shall a pardon be granted to said John Laravier, upon condition that he leave this State within sixty days, and not return within thirty years?" which was determined in the affirmative unanimously—yeas 10. Those who voted in the affirmative are, Messrs. Andrus, Chittenden, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

The petition of David Mann (alias Joseph Livingstone,) for pardon, was taken up & read, and on motion, the question was put, "Shall a pardon be granted to said David Mann?" which was determined in the negative by yeas & nays—yeas 3, nays 7. Those who voted in the affirmative are Messrs. Andrus, Fay & Phelps. Those who voted in the negative are Messrs. Chittenden, Cotton, Leland, Olin, Stanley, Warner & Wetmore. Whereupon on motion, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

The following communication was received from the Council of Censors, to wit:

"In Council of Censors, Oct. 24, 1820.

The following report was read, and the question will the Council concur in the report, and adopt the resolution therein expressed, was decided in the affirmative.

Montpelier, Oct. 23, 1820.

To the Council of Censors now sitting,—The committee to whom was recommitted the resolution directing and enquiring whether the law directing the select men of each town in this State to assess a tax of one cent on the dollar of the list of their respective towns for the support of schools.

Also, the laws regulating the rate of interest, the laws regulating the retailing of Spirituous liquors, and the laws regulating the licencing of hawkers and pedlars, have been duly executed:

Respectfully offer the following report, viz.

That the law entitled "an act for the support of schools," passed Nov. 3, A. D. 1810, making it the duty of the selectmen of the several towns of this State to assess a tax of one cent on the dollar on the list of the polls and ratable estate of the inhabitants of their respective towns, for the purpose of schooling, has not been duly executed; but, by the selectmen of very many towns has been totally neglected. Your committee are of opinion that the law itself is defective, in that it imposes no penalty on such towns or selectmen for such neglects, and calls for legislative interference.

Your committee further report, that the law regulating the rate of interest has for the last septenary been grossly and openly violated by a

large proportion of our monied citizens throughout the State; that with the pressure of the times, this evil appears to be encreasing, and calls aloud for remedy. Your committee are of opinion that a more faithful attention to their several duties in this respect by the State's Attornies and Grand Juries in the several Counties, though it might in some measure check, yet, owing to the difficulty in obtaining evidence, can never effectually remedy this evil; but that the legislative aid is indispensible.

Your committee further report, that the laws regulating the sale of spirituous liquors have not been strictly executed ; but as these laws were principally, or at least in part, intended for the protection of the rights of a particular class of our citizens, and afford a sufficient remedy for their infringement, your committee do not consider any further attention to the subject necessary.

Your committee further report, that the laws providing for licensing hawkers & pedlars have, for aught that has been made to appear to your committee, been duly executed. To conclude, your committee recommend to the Council the adoption of the following resolution:

[*Resolved*, That the Secretary of this Council, forthwith, transmit a copy of this report and resolution to his Excellency the Governor, and the Honorable Council.]

All which is respectfully submitted. JOSEPH SCOTT, A. CLARK, WM. NUTTING, } *Committee.*

The foregoing is a copy of said report.

J. Y. VAIL, *Secretary.*"

Which communication having been read, was ordered to lie on the table.

Received from the House of representatives a bill entitled " an act in addition to an act entitled 'an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty,' " passed March 20, 1797, with an order of the House thereon that the same be referred to a committee of one member from each County, to join from Council, whereupon, *Resolved* to concur in said order of reference, and his honor the Lt. Gov. with Messrs. Chittenden & Warner were appointed from Council.

The petition of Robert Martiall, for pardon, was taken up and read, whereupon, on motion, *Ordered*, that said petition be dismissed.

Received from the House the bill entitled " an act for the relief of Jared Sears," with an order of the House thereon that the same be referred to the committee of Insolvency, whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled " an act exempting the person of Roger Fuller from arrest & imprisonment, and his property from attachment or execution, for the term of fifteen months," with an order of the House thereon that the same be referred to the committee of Insolvency, whereupon, *Resolved*, to concur in said order of reference. Also, a bill entitled " an act to repeal an act therein mentioned," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

The House of representatives sent up for concurrence &c. an engrossed bill entitled " an act for the relief of Linus Beach," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

The petition of Timothy Morgan, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Daniel Meder, a convict in the State prison, for par-

don, was taken up & read, whereupon, on motion of Mr. Cotton, the question was put, "Shall a pardon be granted to said Danl Meder?" which was determined in the affirmative by yeas & nays—yeas 11, nays 0. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Chittenden, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

The petition of Harvey Metcalf, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted the said Harvey Metcalf?" which was decided in the negative by yeas & nays—yeas 2, Nays 9. Those who voted in the affirmative are Messrs. Chittenden & Fay. Those who voted in the negative are, his honor the Lt. Gov. Messrs. Andrus, Cotton, Leland, Olin, Phelps, Stanley, Warner & Wetmore. Whereupon, on motion, *Ordered* that said petition be dismissed.

The petition of John B. Putvah, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed. The petition of Hugh Platt, for pardon was taken up and read, whereupon, on motion of Mr. Olin, *Ordered*, that said petition be dismissed. The petition of Bohon S. Monroe, for pardon, was taken up and read, whereupon, on motion of Mr. Cotton, *Ordered*, that said petition be dismissed. The petition of Stephen Prentiss, for pardon, was taken up and read, whereupon on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Bradley Phelps, for pardon, was taken up and read, whereupon, on motion the question was put, "Shall a pardon be granted to said Bradley Phelps, on condition that he leave this State within twenty days and not return within twenty years," which was determined in the affirmative — Yeas 11, Nays 0. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Chittenden, Cotton, Fay, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

The petition of Alfred Prentiss, for pardon, was taken up and read, whereupon, on motion of Mr. Cotton, *Ordered*, that said petition be dismissed. The petition of William M. Parker, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Jesse Sprague, a convict in the State prison, for pardon, was taken up and read, whereupon, on motion of Mr. Olin, the question was put, "Shall a pardon be granted to said Jesse Sprague upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative by yeas & Nays—yeas 7, Nays 4. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Fay, Olin, Stanley, Warner and Wetmore. Those who voted in the negative are, Messrs. Chittenden, Cotton, Leland, & Phelps.

The petition of Aaron Rowley, for pardon, was taken up and read, whereupon, on motion of Mr. Cotton the question was put, "Shall the petition be dismissed?" which was determined in the affirmative by yeas & nays—yeas 8, Nays 2. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Cotton, Fay, Leland, Olin, Phelps & Warner. Those who voted in the negative are, Messrs. Chittenden and Stanley—So it was *Ordered*, that said petition be dismissed.

Adjourned to 9 o'Clock to-morrow morning.

FRIDAY Oct. 27, 1820. 9 o'Clock A. M.

The Governor & Council met pursuant to adjournment.

The communication from the Council of Censors of the 24 inst. which was presented yesterday, was taken up and read, whereupon, on motion of Mr. Wetmore, *Resolved*, that the communication of the Council of Censors to the Governor & Council of the 24 inst. be transmitted to the General Assembly. *Ordered*, that the Secretary notify the House accordingly.

The Council took up the engrossed bill entitled "an act directing the Treasurer to pay Shiveric Holmes the sum therein mentioned,—($200,)" which was read. Whereupon, *Resolved* to concur in passing this bill.

The House of representatives sent up for concurrence &c. another engrossed bill entitled "an act directing the Treasurer to pay Shiveric Holmes the sum therein mentioned,($100,)" which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the above mentioned bills.

The House sent up for concurrence &c. an engrossed bill entitled "an act for the relief of William Hix," which was read, and on motion, the question was put "Will the Council concur with the House of representatives in passing this bill?" which was determined in the negative. So it was *Resolved* to non concur in passing this bill—and on motion, Messrs. Fay & Phelps were appointed a committee to report reasons of Council for non concurrence.

The House sent up for concurrence an engrossed bill entitled "an act directing the Treasurer to pay Gideon Burrett the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also "An act for the relief of Charles Birum," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer of this State to pay Alvah Heaton the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "An act appropriating a sum of money therein mentioned for defraying the expenses of the Council of Censors," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the four last mentioned bills.

Adjourned to 2 o'Clock P. M.

2 o'CLOCK P. M.— The Governor & Council met pursuant to adjournment.

The Council again took up the bill entitled "an act laying a tax of three cents per acre on the town of Underhill in the County of Chittenden," which was read, whereupon, *Resolved* to concur in passing this bill.

The House sent up for concurrence &c. an engrossed bill entitled "an act laying a tax of four cents per acre on the town of Warren in the County of Addison," which was read, and on motion, referred to Messrs. Stanley & Andrus to consider & report thereon.

Also, "An act laying a tax of four cents per acre on the town of West Fairlee in the County of Orange," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of three cents per acre on the town of Barton," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of two cents per acre on the town of Woolcott," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the town of Fairlee in the County of Orange," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a committee to lay out & survey a road from Chelsea Turnpike near Watson's mills in Barre, through the towns of Orange, Tops-

ham, Corinth & Bradford in the County of Orange," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the six bills aforesaid.

Agreeably to adjournment, the Governor & Council attended in the representatives' room for the purpose of proceeding in joint Committee to the farther appointment of County officers, and after proceeding therein, the joint committee adjourned to the 2d Nov. next at 3 o'Clock P. M. and the Governor & Council returned to their Chamber.

The Gov. & Council again took up the engrossed bill entitled "an act to incorporate an aqueduct society in Wallingford," whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

On motion of Mr. Olin, *Resolved*, that the vote passed this afternoon, concurring in the passage of the bill entitled "an act appointing a committee to lay out & survey a road from Chelsea Turnpike near Watson's mills in Barre, through the towns of Orange, Topsham, Corinth & Bradford," be reconsidered, whereupon, on motion, *Ordered*, that said bill be committed to Messrs. Leland & Wetmore.

Received from the House a communication from the Auditor of Accounts against the State, transmitting claims of sundry soldiers who served in a Regt. commanded by Col. Dixon in 1813, with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act to enable the town of Whiting in the County of Addison in this State to correct the records of their town," with an order of the House thereon that the same be referred to the Judiciary committee, whereupon, *Resolved* to concur in said order of reference.

On motion of Mr. Leland, *Ordered*, that a member of Council be appointed on the Committee of Claims, to serve during the absence of Mr. Butler, and Mr. Stanley was appointed accordingly.

The House sent up for concurrence &c. an engrossed bill entitled "an act directing the Treasurer of this State to pay Simeon Wright the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay Calvin Sever the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of George Warner," which was read, whereupon, *Resolved*, to concur in passing this bill. Also, "an act to stay further proceedings against the town of Pawlet," which was read—whereupon, *Resolved*, to concur in passing this bill. Also, "an act establishing a rifle company in the 2d Regiment 1st Brigade & 4th Division of Vermont," which was read, whereupon, *Resolved*, to concur in passing this bill.

The Council again took up the bill entitled "an act granting the waste water of the aqueduct of the State prison to the Windsor fire Society," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the six bills above mentioned.

The petition of George Simmons, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed. The petition of George Shepard, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The petition of Amos Stafford, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion, the question was put, "Shall a pardon be granted to said Amos Stafford?" which was

determined in the affirmative by yeas & nays—yeas 10, Nays 2. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Berry, Chittenden, Cotton, Fay, Leland, Stanley, Warner & Wetmore. Those who voted in the negative are, Messrs. Olin and Phelps.

The petition of Lewis Smith, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion, the question was put, "Shall a pardon be granted to said Lewis Smith, upon condition that he leave this State within twenty days, and not return within thirty years?" which was determined in the affirmative by yeas & nays—Yeas 9, Nays 3. Those who voted in the affirmative are, Messrs. Andrus, Berry, Chittenden, Fay, Leland, Olin Phelps, Warner & Wetmore. Those who voted in the negative are, 'Messrs. the Lt. Gov., Cotton & Stanley.

The petition of John Smith, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The petition of Thomas Waters, for pardon, was taken up and read, whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed.

The petition of Daniel Welch, a convict in the State prison, for pardon, was taken up and read, whereupon, the question was put, "Shall a pardon be granted to said Daniel Welch?" which was determined in the affirmative — yeas 11, Nays 0. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Berry, Chittenden, Cotton, Fay, Leland, Olin, Stanley, Warner & Wetmore.

The petition of George Wheeler, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed. The petition of Thomas Williams, for pardon, was taken up and read, whereupon, on motion of Mr. Olin, *Ordered*, that said petition be dismissed. The petition of John Willson, for pardon, ways taken up and read, whereupon, on motion of Mr. Stanley, *Ordered*, that said petition be dismissed. The petition of Richard Watson, for pardon, was taken up and read, whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

Adjourned to 9 o'Clock to-morrow morning.

SATURDAY Oct. 28, 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The petition of John Flanagan, a convict in the State prison, for pardon, was taken up & read, whereupon, on motion, the question was put, "Shall a pardon be granted to said John Flanagan upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative—yeas 9, nays 0. Those who voted in the affirmative are, his honor the Lt. Gov. Messrs. Andrus, Chittenden, Cotton, Fay, Leland, Olin, Warner & Wetmore.

The House sent up for concurrence the following resolution, to wit:

"IN GENERAL ASSEMBLY Oct. 27, 1820.

Resolved, the Governor & Council concurring herein, that the Clerks of the Supreme Court be, and they are hereby, directed to return to the Secy of State, annually, on or before the 5th day of the session of the legislature, an abstract of all orders drawn by the Supreme Court, in their several Counties, the year ending on the first day of October, arranged under the following heads, viz. For State's attorney, Sheriff's Attendance, witnesses before the Grand Jury, witnesses before the petit Jury, Justices' accounts, keeping State prisoners, removing State prisoners to the State prison, and miscellaneous charges, and also amount

of fees received in civil causes for jury fees and for Court fees." Whereupon, *Resolved*, to concur in passing said resolution. *Ordered*, that the Secretary notify the House accordingly.

Received from the House a bill entitled "an act directing the Treasurer to pay John Alvord the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved*, to concur in said order of reference. Also, "an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty," with an order of the house thereon that the same be referred to the committee of Ways & Means, whereupon, *Resolved*, to concur in said order of reference. Also, "an act relating to pleadings in civil actions," with an order of the House thereon that the same be referred to the Judiciary committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act to re-survey a certain road &c." with an order of the House thereon that the same be referred to the Turnpike committee, whereupon, *Resolved*, to concur in said order of reference. Also, "an act for the encouragement of manufacturing cotton & wool in this State," with an order of the House thereon that the same be referred to the committee of Manufactures, whereupon, *Resolved*, to concur in said order of reference.

The House sent up for concurrence &c. the engrossed bill as amended, entitled "an act exempting the person of Roger Fuller from arrest & imprisonment for the term of fifteen months," which was read, whereupon, *Resolved*, to concur in passing this bill. Also, an engrossed bill entitled "an act for the relief of Oliver Abel," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled 'an act to authorize the Supreme Court to empower guardians to sell the real estate of their wards,' passed Feb. 6, 1804," which was read, whereupon, *Resolved*, to concur in passing this bill. The committee to whom was referred the engrossed bill entitled "an act appointing a committee to lay out and survey a road from Chelsea Turnpike near Watson's mills in Barre, through the towns of Orange, Topsham, Corinth, & Bradford in the County of Orange," reported the same without amendment, which was read, whereupon, *Resolved* to concur in passing this bill. The Council again took up the engrossed bill entitled "an act laying a tax of four cents per acre on the town of Warren in the County of Addison," which was read, whereupon, *Resolved*, to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the above mentioned bills.

The committee appointed yesterday to prepare & report reasons for non concurring in the bill entitled "an act for the relief of William Hix," reported the following, to wit.

"The Governor & Council do not concur in passing said bill for the following reasons. The act, if passed, would, it is conceived, be partial and unjust. It would prevent the said Truman Hurd from using the ordinary process for collecting debts against the said William Hix, and allow all other creditors to collect theirs. If the legislature have a right to prevent an individual from using the ordinary process for collecting debts against another individual, it will also have the right to prevent the same individual from using the ordinary process for collecting debts against all other persons."

Which having been read, *Resolved*, that the above be adopted as the reasons of Council for non concurring in the passage of said bill, and *Ordered*, that the Secretary communicate the same, together with the bill, to the House of representatives.

The petition of Lyman Wheeler, a convict in the State prison, for

pardon, was taken up & read ; whereupon the question was put, "Shall a pardon be granted to said Lyman Wheeler ?" which was determined in the affirmative by yeas & nays — yeas 7, Nays 5. Those who voted in the affirmative are, Messrs. Andrus, Fay, Olin, Phelps, Stanley, Warner & Wetmore. Those who voted in the negative are, his honor the Lt. Gov. Messrs. Berry, Chittenden, Cotton & Leland.

The petition of David Norris, for pardon, was presented, and read, whereupon, on motion of Mr. Olin, *Ordered*, that said petition be dismissed.

The Council took up the address to the late Lieut. Governor as reported by the committee, which was read, as follows, to wit:

"The Honorable Paul Brigham, Sir,—At the last session of the Legislature, you expressed a desire to be relieved frem the cares of public service, and requested the citizens to select some other person to perform the duties of the office which had so long devolved upon you. On seeing you go into retirement, feelings have been awakened which the Governor & Council should not repress. You are one of the first settlers, and of course among the number of the most aged men in the State. You have ever endeavored to promote its best interests; and your cares have been those of a father and a friend. During a period of more than forty years, in which your labors have been eminently conspicuous, the unrivalled prosperity of the State has erected to your memory, and to those with whom you have been associated, an imperishable monument. The repeated and continued calls of the people, in their annual elections, to perform offices of the highest responsibility, is the best evidence that you have ruled in their hearts and affections. In your active life, a forest and a desert has yielded to the hand of civilization — to arts & sciences — and the wilderness given place to this flourishing State. The change could not have been effected but by active industry and a practical application of those principles which give to virtue its just reward. If, Sir, you "have arrivcd to the age marked in Holy writ, as a time of labor and sorrow," the promises contained in that same word of life must afford you great consolation. To your counsels the State is much indebted for the liberality of its civil institutions. To your example she owes much in the frugal and plain habits of her citizens ; and your moral and Christian life will have a lasting influence on the people. Be assured, Sir, you carry with you into the retirement you have chosen, the warmest affections of the Executive Council."

Whereupon, *Resolved unanimously*, that the foregoing address be adopted as the address of the Governor & Council, and *Ordered*, that the Secretary transmit the same to the Honorable Paul Brigham, late Lieut. Governor of this State.

Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

Received from the House a bill entitled "an act in addition to an act for the support of schools," with an order of the House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved*, to concur in said order of reference, & Mr. Cotton was appointed from Council.

Received from the House a bill entitled "an act appointing a committee to make certain alterations in the County road leading from Danville to Chelsea," with an order of the House thereon that the same be referred to the Turnpike comee, whereupon, *Resolved* to concur in said order of reference.

The communication from the Council of Censors, which was sent down to the House yesterday, was returned with an order of the House thereon

that the same be referred to the Judiciary committee, whereupon, *Resolved*, to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 28, 1820.

Resolved, the Governor & Council concurring herein, that the committee raised on the bill introduced by Mr. Adams, entitled "an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office & duty," be instructed to enquire into the equality of the General list of this State, and report some suitable mode of equalizing the same as soon as may be."

Which was read, whereupon, *Resolved* to concur in passing said resolution.

Received the petition of the town of Duxbury, with an order of the House thereon that the same be referred to the land tax Committee, whereupon, *Resolved*, to concur in said order of reference. Also, The petition of Frederic Brewster, with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference.

The House sent up for concurrence &c. an engrossed bill entitled "an act for the relief of Casper R. Edson," which was read, whereupon, *Resolved*, to concur in passing this bill.—*Ordered*, that the Secretary notify the House accordingly.

Mr. Olin moved to re-consider the vote to dismiss the petition of Sherebiah Leach, for pardon, Mr. Olin having voted in the affirmative on that question—and on the question to re-consider said vote, it was determined in the affirmative, whereupon, on motion, the question was put, "Shall a pardon be granted to said Sherebiah Leach?" which was determined in the affirmative—Yeas 7, Nays 4. Those who voted in the affirmative are, his honor the Lieut. Governor, Messrs. Andrus, Chittenden, Fay, Olin, Stanley & Warner. Those who voted in the negative are, Messrs. Cotton, Leland, Phelps & Wetmore.

Mr. Warner moved to re-consider the vote passed on the 16 inst. on the question of granting a pardon to Samuel Walker, Mr. Warner having voted in the negative on that question — and on the question to reconsider said vote, it was determined in the negative — Yeas 2, Nays 10. Those who voted in the affirmative are, Messrs. Fay & Warner. Those who voted in the negative are his honor the Lt. Gov. Messrs. Andrus, Berry, Chittenden, Cotton, Leland, Olin, Phelps, Stanley & Wetmore.

Adjourned to Monday morning next, 9 o'Clock A. M.

Monday Oct. 30, 1820. 9 o'clock A. M.

Governor & Council met pursuant to adjournment.

Received from the House an engrossed bill entitled "an act to preserve fish in the streams, ponds & waters in the towns of Arlington, Sunderland, Manchester & Dorset in the County of Bennington," with an order of the House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Andrus was appointed from Council.

Also, an engrossed bill entitled "an act in addition to an act entitled an act directing proceedings against the trustees of concealed or absconding debtors," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

The House sent up for concurrence &c. an engrossed bill entitled "an act for the relief of Patrick Johnson," which was read, whereupon,

Resolved to concur in passing this bill. Also, "an act directing the Treasurer to pay Norman Williams the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Jabez Fargo Jr. Benj. Derby, Lyman Hall, John Thomas, Frederic Ambler, and Charles Brewster," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the three bills aforesaid.

Mr. Phelps on motion introduced the following resolution :

In Council 30 Oct. 1820.

Resolved that a committee of three be appointed to join such committee as may be appointed by the House of Representatives, to enquire whether passing private acts of suspension be expedient, and whether the general law relating to poor debtors may not be made to meet all cases of redress required by the constitution ; and report by bill or otherwise.

Which was read & adopted, and Messrs. Olin, Wetmore & Berry were appointed a committee accordingly. *Ordered*, that the Secy. communicate the above resolution to the House of representatives.

Adjourned to 2 o'clock P. M.

2 o'clock P. M. — The Governor & Council met pursuant to adjournment.

The House sent up the following resolution for concurrence, to wit :

"In General Assembly Oct. 30, 1820.

Resolved that the committee of Ways & Means be instructed to take into consideration what compensation shall be allowed the superintendent of the Vermont State prison for his services the year past ; and report by bill or otherwise."

Which was read, whereupon, *Resolved* to concur in passing this resolution.

The House sent up for concurrence &c. an engrossed bill entitled "An act granting to Samuel Renne the exclusive right of keeping a ferry for the term therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

On motion, *Ordered*, that Mr. Phelps have leave of absence, after today, during the remainder of the session.

Adjourned to 9 o'clock to-morrow morning.

Tuesday Oct. 31, 1820. 9 o'clock A. M.

The Governor & Council met pursuant to adjournment.

On motion, Mr. Wetmore is appointed on the committee raised by the resolution of the 16th inst. (for instructing our Senators &c.) instead of Mr. Phelps, who has leave of absence.

Received from the House a bill entitled "an act in addition to an act laying a tax of three cents per acre on the town of Stratton," with an order of the House thereon that the same be referred to the land tax committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act in addition to an act therein mentioned," (restricting cattle &c. in villages,) with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference.

The House sent up for concurrence &c. an engrossed bill entitled "an act granting relief to Thomas M. Pomroy & Lemuel Hedge," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Joseph Latham the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the two bills above mentioned.

The House also sent up an engrossed bill entitled "an act for the relief of Lemuel Buck," which was read, whereupon, on motion, *Ordered*, that it be committed to Mr. Wetmore to consider and report thereon.

Also, "an act repealing an act therein mentioned," which was read, whereupon, the question was put, "Will the Council concur in passing this bill?" which was decided in the negative—yeas 5, Nays 6. Those who voted in the affirmative are, Messrs. Andrus, Cotton, Leland, Warner & Wetmore. Those who voted in the negative are his honor the Lieut. Governor, Messrs. Berry, Chittenden, Fay, Olin & Stanley—so it was *Resolved* to non concur in passing this bill, and Messrs. Fay & Olin were appointed a committee to report to the Council, in writing, reasons to be assigned for their non concurrence.

The House also sent up an engrossed bill entitled "An act in addition to an act entitled an act for the probate of wills, and the settlement of testate and intestate estates," which was read, and on motion, *Ordered* to lie on the table.

A message was received from the House of representatives, by Mr. Loveland, a member thereof, who returned the bill entitled "an act for the relief of William Hix," and informed the Gov. & Council that the House had re-passed the same, and request the concurrence of the Governor & Council, and Mr. Loveland assigned the reasons of the House for re-passing said bill. Whereupon, on motion, *Ordered* to lie on the table.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 30, 1820.

Resolved, that the Judiciary Committee be instructed to enquire into the expediency of passing a law to prevent the person of any debtor from being continued in prison, after having, without fraud, given up all his property both real & personal, for the benefit of his creditors, agreeably to the 33d article of the Constitution of this State: and report by bill or otherwise."

Which was read, whereupon, on motion, *Resolved*, to concur in passing said resolution, with an amendment, that the subject be referred to the committee appointed on the resolution introduced yesterday by Mr. Phelps on the same subject.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met agreeably to adjournment.

Mr. Wetmore, to whom was referred the bill entitled "an act for the relief of Lemuel Buck," reported the same with proposals of amendment; which, with the bill, were read, whereupon, on motion, *Resolved*, that the amendments be adopted and proposed to the House of representatives, and that the Gov. & Council concur in passing said bill with the amendments. *Ordered*, that the bill & amendments be transmitted to the House by Mr. Wetmore, who will assign the reasons of Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Solomon Stimpson, Lawson H. Green, and Ebenezer W. Fairbanks," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

The petition of John Fisk, for pardon, was taken up and read, whereupon, on motion of Mr. Cotton, *Ordered* that said petition be dismissed.

Received from the House the petition of the Select men of Barnet & the report of the committee to whom the same was referred, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment. Also, The petitions of Ephraim Smith Jr. and of Samuel Mix, with an order of the House on each that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said orders of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to an act therein mentioned," (attaching logs &c.) which was read, and ordered to lie on the table.

The Council again took up the bill entitled "an act for the relief of William Hix," which was read, and on motion of Mr. Olin, the Council agreed to propose certain amendments to the bill, whereupon, *Resolved* to concur in passing said bill, with the amendments, and that the bill with the amendments be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of the Gov. & Council for the amendments.

The Council again took up the bill entitled "an act in addition to an act for the probate of wills and the settlement of testate and intestate estates," which was read. Mr. Wetmore moved to propose to the House certain amendments to the bill, and after some time spent in considering the same,

Adjourned to 9 o'Clock to-morrow morning.

Wednesday Nov. 1 1820. 9 o'Clock A. M.

The Governor & Council met pursuant to adjournment.

The Council resumed the consideration of the bill entitled "an act in addition to an act for the probate of wills and the settlement of testate and intestate estates," and the amendments moved yesterday by Mr. Wetmore, and the amendments having been agreed to, the question was put, "Will the Council concur in passing said bill with the amendments?" which was determined in the negative — yeas 5, Nays 7. Those who voted in the affirmative are, Messrs. Berry, Cotton, Stanley, Warner & Wetmore. Those who voted in the negative are, his honor the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Fay, Leland & Olin. Mr. Leland moved to re-consider the last mentioned vote — which was determined in the affirmative. Mr. Fay moved to re-consider the vote adopting the amendments to the bill above mentioned, which was determined in the affirmative, whereupon, on motion of Mr. Olin, *Resolved*, to non concur in passing said bill. Mr. Fay was appointed to report reasons for non concurrence.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act laying a tax of two cents per acre on the town of Random" [Brighton,] which was read, whereupon, *Resolved*, to concur in passing this bill. Also, "an act laying a tax of two cents per acre on Enosburgh," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of three cents per acre on the town of Westmore," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of six cents per acre on the township of Londonderry and Aiken's Gore so called," which was read,

whereupon, *Resolved* to concur in passing this bill. Also, "an act to revive an act laying a tax of three cents per acre on lands within the charter bounds of Chittenden, passed Oct. 24, A. D. 1818," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the town of Coventry in the County of Orleans," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to the several acts establishing a corporation by the name of the Stratton Turnpike Company, passed Nov. 10, A. D. 1808," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Jared Sears," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act to provide for laying out and altering the County and post road leading from the south line of Lyndon to Nathan Hubbard's in said Lyndon," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Rufus Graves," which was read, whereupon, *Resolved* to concur in passing this bill. Also "an act for the relief of Abijah Barnum," which was read, whereupon *Resolved*, to concur in passing this bill. Also, "an act to appoint a committee to lay out & re-survey a road leading from Bellows Falls in Rockingham in the County of Windham to the town village (so called) in Grafton in said County," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Solomon Wright, admr to the estate of Charles Wright, deceased," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act annexing a part of the town of Goshen to the town of Ripton," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House of the passage of the fourteen bills aforesaid.

A message was received from the House, by the certificate of their Clerk, that the House have concurred in the amendments proposed by the Governor & Council to the bill entitled "an act for the relief of Lemuel Buck," and also to the bill entitled "an act for the relief of William Hix," and that said bills as amended have become laws.

The Council again took up the engrossed bill entitled "an act in addition to an act therein mentioned," which was read and on motion of Mr. Olin the Council agreed to propose certain amendments to the bill, whereupon, *Resolved* to concur in passing said bill with the amendments, and that the bill with the amendments be transmitted to the House by Mr. Fay, who is appointed to assign the reasons of the Gov. & Council for the amendments.

Received from the House a bill entitled "an act for the relief of Ichabod Peck," with an order of the House thereon that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act regulating the practice of physic & surgery within this State," which was read, and on motion, *Ordered* to lie on the table, and be made the order of the day for to-morrow morning.

Adjourned to 9 o'Clock to-morrow morning.

THURSDAY Nov. 2, 1820. 9 o'Clock A. M.

Governor & Council met pursuant to adjournment.

The Council resumed the consideration of the bill entitled "an act regulating the practice of physic and surgery within this State," whereupon, on motion, *Resolved* to nonconcur in passing this bill. Messrs. Butler & Cotton were appointed to draw up & report reasons for non concurrence.

The House sent up for concurrence &c. an engrossed bill entitled "an act to provide for laying out a road from Sutton to Barton," which was read. On motion, the Council agreed to propose to the House an amendment to said bill, by inserting the letter *C.* between the Christian & Sir names of *Josiah Willard*, whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the Secretary notify the House accordingly.

Mr. Fay reported the following reasons for non concurring in the bill entitled "an act repealing an act therein named," to wit:

"The Governor & Council assign the following reasons for non concurring in the bill entitled "an act repealing an act therein named," to wit: First, From the short time that the law proposed to be repealed has been in operation, no person can correctly decide whether the same is beneficial to the people or not: and the passing of laws & repealing them, before their good or bad effects even be known, appears improper. Second, The Council are of opinion, that the law, upon a fair experiment, will produce consequences beneficial to the people. That it will prevent, on the one hand, the too frequent giving credit to a class of people who are not able to pay such debts, while on the other, the obtaining such credit by that class of people is more generally injurious than beneficial. Third, The Council are also of opinion, that the continuation of this law, will, in its effects, oblige a certain class of men, who are now, by false pretences of want &c. obtaining credit from the unwary, and thereby maintaining themselves & families in idleness, to commence & follow sober & steady industry, and thereby gain a living in an honorable & commendable manner."

Which having been read, *Resolved* that the foregoing be adopted as the reasons of Council for non concurring in the passage of said bill. *Ordered* that the Secretary communicate the same, together with said bill, to the House of representatives.

The House sent up for concurrence the following resolution, to wit:

"In General Assembly Nov. 1, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in joint committee, in the representatives' room, on Thursday next, at three o'clock in the after noon, for the purpose of electing a person to preach the next election sermon."

Which was read, whereupon, *Resolved* to concur in passing this resolution. *Ordered* that the Secretary notify the House accordingly.[1]

Received from the House the petition of the inhabitants of Corinth, with an order of the House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Cotton was appointed from Council.

Received from the House the petition of Josiah Cutler & others, with the report of the committee to whom the same had been referred, with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act prohibiting the taking of unlawful interest," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act granting a tax of four cents per acre on the town of Somerset in the County of Windham," which was read, whereupon, *Resolved*, to concur in passing this bill. Also, "an act laying a tax of

[1] Rev. Joshua Bates was elected; and Rev. James Johnson as substitute.

four cents per acre on the town of Salem in the County of Orleans," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act to revive an act empowering Joseph Scott, Timothy Stanley and John W. Dana, to make certain alterations in the County road leading from Montpelier to Stanley's mills in Greensboro', passed Nov. 9, 1818," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay John Alvord the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Elisha Billings Pratt," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of John Clark," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the six bills aforesaid.

Also, "an act directing the Treasurer to pay Jonathan Taylor the sum therein mentioned," which was read, whereupon, on motion, *Ordered*, that it be referred to Messrs. Chittenden, Leland and Stanley, to consider and report thereon.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

The House sent up for concurrence &c. an engrossed bill entitled "an act establishing an Academy in Bradford in the County of Orange," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Received from the House a bill entitled "an act appointing a committee to alter County road leading from St. Albans to Richford," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference. Also "an act directing the Treasurer to pay Daniel Tufts the sum therein mentioned," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved*, to concur in said order of reference. Also "an act in addition to an act incorporating certain persons therein named by the name of Lemoil bridge company," with an order of the House thereon, that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference. Also "an act assessing a tax on the County of Orange," with an order of the House thereon that the same be referred to a select committee, to join from Council, whereupon, *Resolved*, to concur in said order of reference, and M^r. Cotton was appointed from Council. Also, The petition of Elias Keyes, with the report of the Committee of New trials thereon, adverse to the prayer of said petition, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said order of re-commitment.

The House sent up for revision, concurrence &c. an engrossed bill entitled "an act granting to John Rogers the exclusive right of keeping a Ferry for the term therein mentioned," which was read, and on motion, the Council agreed to propose an amendment to the bill, (that the grant commence on the 29 Oct. next,) whereupon, *Resolved* to concur in passing said bill with the amendment. Also, "an act granting to Alinda Wells the exclusive right of keeping a ferry, for the term therein mentioned," which was read, and on motion, the Council agreed to propose an amendment to the bill (that the grant commence the 29 Oct. next,) whereupon, *Resolved*, to concur in passing said bill with the amendment. *Ordered* that the two bills above mentioned, with the amendments, be transmitted to the House by M^r. Stanley, who is appointed to assign the reasons for the amendments.

Mr. Leland introduced the following resolution :

In Council Nov. 2, 1820.

Resolved, the General Assembly concurring herein, that both houses meet in joint committee in the representatives' room at 10 o'clock in the forenoon on Saturday next, for the purpose of choosing eight electors, one in each congressional district & two at large, for the purpose of giving in their ballots for President & Vice President of the United States, on the day designated by the laws of the United States.

Which was read and adopted, and *Ordered*, that the Secretary communicate the same to the House of representatives, & request their concurrence.[1]

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Stebbins Walbridge, administrator to the estate of Gustavus Walbridge, deceased," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Agreeably to the concurrent resolution of both Houses, the Governor & Council attended in the representatives' room, for the purpose of appointing in joint committee a person to preach the next election sermon, after which the Governor & Council returned to their Chamber.

His Excellency the Governor transmitted to the House of representatives, by his Secretary, the following communication, to wit :

"Hon. D. Azro A. Buck Speaker of the House of Representatives. Sir,—I have this day received from my predecessor in office, a communication, containing certain proceedings and resolutions of the legislature of Virginia, on the Missouri question, transmitted to him by the executive of that State. I now transmit the same to you to be laid before the General Assembly. I am, Sir, respectfully your ob. servt.

Richard Skinner.

In Council Chamber, Montpelier, 2 Nov. 1820."

Adjourned to 9 o'Clock to-morrow morning.

Friday Nov. 3, 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House the petitions of Josiah Crofoot 2d and Joseph Ellis, and the reports of the committee thereon, with an order of the House thereon that the same be re-committed, whereupon, *Resolved* to concur in said orders of re-commitment.

Received from the House a bill entitled "an act relating to poor debtors," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act establishing a County Grammar School in the County of Orleans, and appointing a committee to locate the same," with an order of the House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Stanley was appointed from Council.

On motion of the Lt. Gov. the vote of the 28 ult. passing the concurrent resolution directing the Clerks of Sup. Court to return abstract of State orders &c. was re-considered, and on motion the said resolution was amended by striking out the words "keeping State prisoners," whereupon, *Resolved* to concur in passing said resolution as amended. *Ordered* that the Secretary notify the House accordingly.

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[1] Jonas Galusha, Gilbert Dennison, Pliny Smith, Aaron Leland, William Slade Jun. D. Azro A. Buck, Ezra Butler, and Timothy Stanley, were elected.

Mr. Butler, from the committee appointed to report reasons for non concurring in passing the bill entitled "an act regulating the practice of physic & surgery within this State," reported the following, viz. First, Because it would be an encroachment on the private rights of individuals. Second, Because it would prove an ineffectual remedy for the evils it is designed to prevent. Third, Because in practice it would aid the purposes of envy and fraud. Which having been read, *Resolved*, that the above be adopted as the reasons of Council for non concurring in the passage of said bill. *Ordered*, that the Secretary communicate the same, together with said bill, to the House of representatives.

Mr. Fay, who had been appointed to report reasons for non concurring in passing the bill entitled "an act in addition to an act entitled an act for the probate of wills, and the settlement of testate and intestate estates," reported the following, to wit: *First*, considering the long continuance of the present law and the practice of testators under it, generally and almost universally, not to bequeath more to their daughters, if so much, as they would have received had their parents died intestate, which to the Council is evidence that there is no general dissatisfaction to the present law. 2d, Should this bill pass and the general existing practice of devising of property continue, the female children of the deceased would be more likely to complain, and with more reason, for they would be more ready to say, "I should have received more if my deceased father had not made his will and left me to the operation of law." 3d, The male children are bound to serve their parents longer than the females, and the latter after marriage are not obliged by law to maintain their parents nor Grand parents should they become poor. Which having been read, *Resolved*, that the foregoing be adopted as the reasons of Council for non concurring in the passage of said bill. *Ordered*, that the Secretary communicate the same, together with said bill, to the House of representatives.

Mr. Fay introduced the following resolution, to wit:

In Council 3 Nov. 1820.

Resolved, Whenever the Governor & Council give reasons for non concurring any bill, such reasons shall be entered on the records of Council.

Which was read and adopted.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

A message was received from the House of representatives, by Mr. Fletcher, a member thereof, who returned the resolution for appointing electors of President &c. with an amendment proposed by the House, to wit, strike out all the resolution after the word "*next*" and insert the following—"to choose eight electors for the purpose of giving in their ballots for President & Vice President of the United States, on the day designated by the laws of the United States." And Mr. Fletcher, having assigned the reasons of the House for the proposed amendment, withdrew. The above amendment was read & considered, whereupon, *Resolved* to concur in said amendment. *Ordered*, that the Secretary notify the House accordingly.

The House sent up the following resolution for concurrence.

"In General Assembly Nov. 3, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in joint committee in the representatives' room, to morrow morning at ten o'clock, for the purpose of electing a Warden and Superintendent of the Vermont State Prison."

Which was read, whereupon, *Resolved* to concur in passing said resolution. *Ordered*, that the Secretary notify the House accordingly.

Received from the House a bill entitled "an act establishing the permanent location of the County buildings for the County of Bennington," with an order of the House thereon that the same be referred to the members of Bennington County, to join from Council, whereupon *Resolved* to concur in said order of reference, and Mr. Fay was appointed from Council. Also, "an act to incorporate the Maidstone Merino Sheep establishment," with an order of House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Berry was appointed from Council.

The House sent up for concurrence &c. an engrossed bill entitled "an act in alteration & amendment of an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,' and of an act entitled 'an act making further provision in the Judiciary department,'" which was read, whereupon, on motion, *Ordered*, that said bill be referred to Messrs. Leland, Wetmore & Warner, to consider, & report thereon to-morrow at 2 o'clock P. M.

Adjourned to 9 o'Clock to morrow morning.

SATURDAY Nov. 4, 1820. 9 o'Clock A. M.

The Governor & Council met pursuant to adjournment.

A message was received from the House of Representatives by Mr. Van Ness, a member thereof, who returned the bill entitled "an act in addition to an act for the probate of wills and the settlement of testate and intestate estates," which the Council non concurred on the 1 inst. and informed that the House had re-passed said bill, in which they desire the concurrence of the Governor & Council. And Mr. Van Ness, having assigned the reasons of the House for re-passing the bill, withdrew. The bill having been again taken up was, on motion, *Ordered* to lie on the table.

A message was received from the House, by a certificate from their Clerk, that the House have concurred in the amendments proposed to the bill entitled "an act to provide for laying out a road from Sutton to Barton," and the bill entitled "an act granting to Alinda Wells the exclusive right of a ferry therein mentioned," and that said bills have become laws.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Thomas Hodgkins," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a committee to lay out & survey a road from the centre of Bakersfield to the centre of Fairfield & St. Albans in the County of Franklin," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a committee to lay out a road on the town line between the towns of Parkerstown and Rutland," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act altering the name of Helon Edward Hunt to Helon Edward Webb," which was read, whereupon *Resolved* to concur in passing this bill. Also, "an act freeing and releasing the body of Daniel Caruth from arrest and imprisonment for the term of five years," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the township of Westfield in the County of Orleans," which was read, whereupon, *Resolved* to concur in passing this bill. *Or-*

dered, that the Secretary notify the House of the passage of the six bills aforesaid.

Agreeably to the concurrent resolution of both houses, the Governor & Council attended in the Representatives' room, for the purpose of choosing Electors of President & Vice President of the United States, after which the Governor & Council returned to their Chamber.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

The Council took up the engrossed bill entitled "an act directing the Treasurer to pay Jonathan Taylor the sum therein mentioned," which was read, and the question was put, "Will the Council concur in passing said bill?" which was determined in the negative—so it was *Resolved* to non concur in passing said bill, and Messrs. Olin & Berry were appointed to report reasons for non concurrence.

Mr. Leland, from the committee to whom was referred the bill entitled "an act in alteration and amendment of an act entitled an act constituting the Supreme Court" &c. reported the same with amendments; which was read & accepted, and *Ordered* to lie on the table, and made the order of the day for Monday next, after noon.

The Resolutions from the State of Virginia, on the Missouri question, were taken up and read, and committed to the committee on that part of the Governor's Speech relating to instructing our Senators &c.

Adjourned to Monday morning next, 9 o'Clock.

Monday Nov. 6, 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

A message was received from the House, by a certificate from their Clerk, informing, that the House have concurred in the amendments proposed by the Gov. & Council to the Resolution introduced by Mr. Everett on the 25 Oct. (directing the Clerks of Sup. Ct. to return abstracts of State orders to Secy. of State,) and also to the bill entitled "an act granting to John Rogers the exclusive right of keeping a ferry for the term therein mentioned."

The House sent up for concurrence &c. an engrossed bill entitled "an act in addition to an act and to revive an act entitled an act granting a tax of two cents per acre on the town of Averill," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of two cents and five mills pr. acre on the town of Berkshire," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of three cents per acre on Montgomery," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a committee to lay out and survey a road from Cobb's mills in Barton to Coventry," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the four bills aforesaid.

The House also sent up for revision and concurrence &c. "an act to authorize the former Town Clerks of Whiting to amend and complete the records of said town," which was read. And the Council agreed to propose to the House an amendment to said bill, "that said act shall have no effect upon any suit now pending in Court." Whereupon, *Resolved* to concur in passing this bill with the amendment. *Ordered*, that the Secretary notify the House accordingly and that he deliver to the House the written reasons of Council for the proposed amendment.

The House also sent up for revision & concurrence &c. "an act freeing the body of David Thomas from arrest & imprisonment for the term of five years," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Agreeably to adjournment of the joint Committee of both Houses, the Governor & Council attended in the Representatives' room, for the purpose of choosing a Warden and Superintendent of the State prison,[1] after which the Governor & Council returned to their Chamber.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.— The Governor & Council met agreeably to adjournment.

The Council resumed the consideration of the bill entitled "an act in addition to an act entitled an act for the probate of wills and the settlement of testate and intestate estates." Mr. Olin proposed an amendment to the bill, so that it should not go into effect until the 10 Nov. 1821, which was adopted. Mr. Fay proposed an amendment relative to the advancement of children &c. which was adopted. Whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that the bill, with the proposed amendments, be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of Council.

A message was received from the House, by a certificate of their Clerk, informing that the House have concurred in the amendment proposed by the Governor & Council to the bill entitled "an act in addition to an act therein mentioned," (attaching timber &c.) and that the same has become a law.

Received from the House a bill entitled "an act altering the time of holding the County Court in the County of Franklin," with an order of the House thereon that the same be referred to a committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Wetmore was appointed from Council. Also, "an act in addition & amendment of an act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

The House of representatives sent up for revision and concurrence &c. an engrossed bill entitled "an act directing the Treasurer to pay Jabez Delano the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

The Council resumed the consideration of the bill entitled "an act in alteration and amendment of an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating Judicial proceedings,' and of an act entitled 'an act making further provision in the Judiciary department,'" and the amendments reported by the committee. Mr. Fay proposed an amendment (so as to go back to the system prior to 1814) as a substitute for that reported by the committee, and after some time spent in debate,

Adjourned to 9 o'Clock to-morrow morning.

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[1] Jabez L. Hunter was elected Warden, and John H. Cotton Superintendent.

TUESDAY Nov. 7, 1820. 9 o'Clock A. M.

The Governor & Council met pursuant to adjournment.

Mr. Olin reported the following reasons for the Council non concurring the bill entitled "an act directing the Treasurer to pay Jonathan Taylor the sum therein mentioned," to wit: "It appears from all the information they obtain, that the County Treasurers, under the direction of the Judges of the County Courts, have in most, if not all the Counties, paid all expenses of that nature "—which having been read, *Resolved* that the foregoing be adopted as the reasons of Council for non concurring in the passage of said bill. *Ordered*, that the Secretary communicate the same, together with said bill, to the House of representatives.

The Council resumed the consideration of the bill entitled "an act in alteration & amendment of an act entitled an act constituting the Supreme Court of Judicature & County Courts, defining their powers, and regulating judicial proceedings, and of an act entitled an act making further provision in the Judiciary department," Mr. Fay's proposed amendment under consideration, whereupon, on motion, the question was put, "Shall the amendment, moved by Mr. Fay be adopted, and proposed to the House of representatives?" which was determined in the affirmative, yeas 7, Nays 5. Those who voted in the affirmative are, Messrs. Andrus, Butler, Cotton, Fay, Leland, Olin & Warner. Those who voted in the negative are, his honor the Lt. Gov. Messrs. Berry, Chittenden, Stanley & Wetmore. Whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that said bill, with the amendments, be transmitted to the House by Mr. Fay, who is appointed to assign the reasons of Council for the amendments.

Adjourned to 2 o'Clock P. M.

2 o'CLOCK P. M.—The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act directing the Treasurer to pay Jonathan Cook the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference. Also "an act establishing a County Grammar School in the County of Orleans, and appointing a committee to locate the same," with an order of the House thereon that it be referred to the members from s[d] County, to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Stanley was appointed from Council. Also, "an act authorizing the Treasurer of this State to pay Josiah Weatherbee the sum therein mentioned, and also directing the Treasurer of the County of Windsor to pay Josiah Weatherbee the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference. Also, "an act appointing a committee to lay out & survey a market road from the mouth of Wells river in Newbury to Canada line in Berkshire," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference. Also, The account of Sam[l] Smith against the State, referred to the legislature by the Auditor of Accounts, with an order of the House thereon that the same be referred to the Com[ee] of Claims, whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision and concurrence &c. an engrossed bill entitled "an act for the benefit of poor debtors," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Elijah Paine," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the

town of Troy," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act to amend an act entitled 'an act directing the mode of adjusting and paying certain claims therein mentioned,' passed Nov. 13, A. D. 1813," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act granting to Abram Conklin of Alburgh and Elias Babcock of North Hero, the exclusive right of keeping a ferry," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act empowering the select men of the town of Montpelier to make alterations in the County road leading from Montpelier Village to Danville Court house," which was read, whereupon, *Resolved* to concur in passing this bill. Also, an "act laying a tax of three cents on each acre of land in the township of Ryegate," which was read, whereupon *Resolved* to concur in passing this bill. Also, "an act laying a tax of two cents on each acre of land in the township of Duxbury," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act freeing the body of Joshua [Josiah] Cutter from arrest or imprisonment for the term of five years," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the benefit of Daniel Pierce, Reuben Pierce, and John Gibson," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the ten bills aforesaid.

The House also sent up for revision & concurrence &c. "an act for the relief of Susannah Hickox," which was read, and on motion the Council agreed to propose an amendment to said bill, whereupon, *Resolved*, to concur in passing said bill with the amendment. *Ordered*, that the bill as amended, together with the reasons of Council for the proposed amendment in writing, be transmitted by the Secretary to the House, and request their concurrence.

Adjourned to 9 O'Clock tomorrow morning.

WEDNESDAY Nov. 8, 1820. 9 o'Clock A. M.

The Governor & Council met pursuant to adjournment.

Received from the House the petition of Ephraim Blake & others, with an order of the House thereon that the same be referred to the Committee of Agriculture, whereupon, *Resolved* to concur in said order of reference. Also, "an act directing the Treasurer to pay David Crane the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference. Also, The petition of the Select Men of Sheffield, with an order of the House thereon that the same be referred to the land tax Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act laying a tax on Granby," with an order of the House thereon that the same be referred to the land tax Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act to provide for re-surveying a road therein mentioned," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference. Also, The Memorial of William Barton (General) with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

The House of representatives sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to an act entitled an act directing the levying & serving executions, which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the

Treasurer to pay Michael Bennett the sum therein mentioned," which was read, whereupon *Resolved* to concur in passing this bill. Also, "an act to preserve the Fish in the waters in the towns therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a committee to lay out a highway in the easterly part of Brandon," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Azariah Hall Jr. the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act authorizing the select men of the town of Georgia to re-survey and alter a part of the post road in said Georgia," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House of the passage of the six bills last mentioned.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

A message was received from the House of Representatives, by Mr. Everett, one of its members, who returned the bill entitled "an act in alteration & amendment of an act entitled an act constituting the Supreme Court" &c. and informed that the House have resolved not to concur in the amendments proposed by the Governor & Council; and request the concurrence of the Gov. & Council in the passage of the bill. And Mr. Everett assigned the reasons of the House for their non-concurrence, and withdrew. The bill was ordered to lie on the table, and be made the order of the day for to-morrow morning.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," which was read, whereupon *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

A message was received from the House, by the certificate of their Clerk, that the House had concurred in the amendment proposed by the Gov. & Council to the bill entitled "an act authorizing the former Town Clerks of Whiting to amend and complete the records of said town," and the same has become a law.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 8, 1820.

Resolved, the Governor & Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of passing a law making provision in all cases whatever, when it becomes necessary to lay out and open any new road or highway, or alter any one which has been laid out, leading from town to town, through two or more towns, or from County [to County] or through several Counties, by petition to the Supreme or County Courts, to hear & determine the same, and make final order thereon accordingly."

Which was read, whereupon, *Resolved* to concur in passing said resolution.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Josiah Crofoot 2d," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Joseph Ellis," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the two bills last mentioned.

Received from the House a bill entitled "an act for the relief of Joel Bassett," with an order of the House thereon that the same be referred to the Comee of Insolvency, whereupon, *Resolved* to concur in said order

of reference. Also, "an act directing the Treasurer to pay Daniel Tufts the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of New Trials, whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 7, 1820.

Resolved, the Governor & Council concurring herein, that it is inexpedient to concur in the amendment to the Constitution of the United States proposed to the consideration of the several States by the State of Pennsylvania, which is as follows, viz.

"Congress shall make no law to erect or incorporate any bank or "other monied institution (except within the district of Columbia,) and "every bank or other monied institution, which shall be established by "the authority of Congress, shall, together with its branches, and offices "of discount and deposit, be confined to the district of Columbia."

Resolved, that the Governor of this State be requested to transmit copies of the foregoing resolution to the executives of the several States, with a request that they lay the same before the legislature thereof."

Which was read, whereupon, *Resolved* to concur with the House of representatives. *Ordered*, that the Secretary notify the House accordingly.

Adjourned to 9 o'clock to-morrow morning.

Thursday Nov. 9, 1820. 9 o'clock A. M.

The Governor & Council met according to adjournment.

Received from the House the bill entitled "an act in addition to an act entitled an act directing the proceedings against the trustees of concealed or absconding debtors," with an order of the House thereon that the same be re-committed to Judiciary Committee, whereupon, *Resolved* to concur in said order of re-commitment. Also, "an act in addition to an act to provide for the laying out a road from St. Johnsbury to Concord," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of commitment. Also, "an act laying a tax of six cents per acre on Walden," with an order of the House thereon that the same be referred to the land tax committee, whereupon, *Resolved* to concur in said order of reference.

A message was received from the House, by the certificate of their Clerk, informing that they have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act for the relief of Susannah Hickox," and the same has become a law.

The Council resumed the consideration of the bill entitled "an act in alteration and amendment of an act entitled an act constituting the Supreme Court" &c. and amendments were successively proposed by Messrs. Wetmore, Olin and Leland, and adopted, when on motion of Mr. Butler, *Ordered*, that the further consideration of said bill be postponed until 2 o'Clock this after-noon.

A message was received from the House by Mr. Sheldon, one of its members, who returned the bill entitled "an act in addition to an act entitled an act for the probate of wills, and the settlement of testate & intestate estates," and informed that the House have non concurred in the amendments proposed to said bill by the Gov. & Council, and Mr. Sheldon having assigned the reasons of the House for their non concurrence, requested the concurrence of the Gov. & Council to the passage of the bill, and withdrew, whereupon, on motion of [Mr.] Butler, *Resolved* to suspend the passing of said bill until the next session of the legislature

—yeas 8, Nays 4. Those who voted in the affirmative are, his honor the Lieut. Gov. Messrs. Andrus, Butler, Chittenden, Fay, Leland, Olin & Warner. Those who voted in the negative are Messrs. Berry. Cotton, Stanley & Wetmore. *Ordered*, that the Secretary notify the House of the suspension of said bill.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

Mr. Wetmore asked and obtained leave of absence during the remainder of the session, after to-morrow.

The Council resumed the consideration of the bill entitled "an act in alteration & amendment of an act entitled an act constituting the Supreme Court of judicature and County Courts, defining their powers & regulating judicial proceedings, and of a bill entitled an act making further provisions in the judiciary department."—On motion of Mr. Olin, *Resolved* to re-consider the vote adopting the amendment proposed by Mr. Leland, this morning, and the same was rejected. Whereupon, *Resolved* to concur in passing said bill with the amendments—Yeas 7, Nays 5. Those who voted in the affirmative are his honor the Lt. Gov. Messrs. Berry, Chittenden, Cotton, Leland, Stanley & Wetmore. Those who voted in the negative are Messrs. Andrus, Butler, Fay & Warner. *Ordered*, that the bill with the amendments be transmitted to the House by Mr. Wetmore, who is appointed to assign the reasons of Council, & request the concurrence of the House.

Received from the House a bill entitled "an act to revive an act assessing a tax on Guildhall," with an order of the House thereon that the same be referred to the land tax committee, whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to provide for the laying out and altering the public road leading from Peacham to Ryegate," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act and to revive an act entitled an act laying a tax of three cents per acre on the town of Stratton, passed Oct. 29, 1819," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay Frye Bayley Jr. the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Edward C. Hovey the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay William Burrett the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the five bills last aforesaid.

Adjourned to 9 o'Clock to-morrow morning.

Friday Nov. 10, 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up for concurrence the following resolution to wit:

"In General Assembly Nov. 9, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in joint committee in the representatives' room, at two o'clock to-morrow afternoon, for the purpose of filling the vacancy in Orange County, occasioned by the resignation of the Hon. John H. Cotton, and of making further appointments of County officers.

Which was read, whereupon, *Resolved*, to concur in passing said resolution. *Ordered* that the Secretary notify the House accordingly.

The House sent up the following resolution for concurrence to wit.

"In General Assembly Nov. 9, 1820.

Resolved, that the bill appropriating the property of the Vermont State bank for the use of schools, be referred to a committee of three members from this house, to join from Council, with instructions to provide for the equal distribution of all the property belonging to said bank between the several towns in this State.

Which was read, whereupon, *Resolved* to concur in passing said resolution, and his honor the Lieut. Gov. & Mr. Andrus were appointed from Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to repeal a part of acts therein mentioned," (betterment acts,) which was read, whereupon, on motion, *Ordered*, that said bill be referred to Messrs. Olin & Berry to consider & report thereon.

Received from the House a bill entitled "an act to incorporate the persons therein named by the name of the Magog Stone Company," with an order of the House thereon that the same be referred to the Committee on the bill to incorporate Maidstone merino sheep establishment, whereupon, *Resolved* to concur in said order of reference.

The House again sent up for concurrence &c. an engrossed bill entitled "an act repealing an act therein mentioned," which had been non concurred by the Gov. & Council & re-passed by the House. Mr. Olin moved to propose an amendment, that the act shall not take effect until the 10 Nov. next, and on the question of adopting said amendment the yeas & nays were taken and were as follows — yeas, Messrs. Berry, Chittenden, Fay, Olin, Stanley & Wetmore, 6. Nays, His Honor the Lt. Gov. Messrs. Andrus, Butler, Cotton, Leland & Warner, 6. The Council being equally divided, his Excellency the Governor gave his casting vote in the affirmative, so the amendment proposed by Mr. Olin was adopted. Mr. Olin moved to propose another amendment, that the passing the act shall not authorize any creditor to charge the body of his debtor in Execution for any debt contracted before said 10 Nov. 1820, which was adopted, whereupon, on motion, the question was put, "Will the Council concur in passing said bill with the proposed amendments?" which was determined by yeas & nays as follows. Those who voted in the affirmative are, Messrs. Berry, Chittenden, Fay, Olin, Stanley & Wetmore, 6. Those who voted in the negative are, his honor the Lieut. Gov. Messrs. Andrus, Butler, Cotton, Leland & Warner, 6. The Council being equally divided, his Excellency the Gov. gave his casting vote in the affirmative. So it was *Resolved* to concur in passing said bill with the amendments. *Ordered*, that said bill & amendments be transmitted to the House by Mr. Berry, who is appointed to assign the reasons of the Council for the amendments, and request the concurrence of the House.

On motion—The Lieut. Governor was appointed on the committee on that part of the Governor's speech relative to instructing our Senators in Congress &c. instead of Mr. Wetmore, who has leave of absence.

Adjourned to 2 O'Clock P. M.

2 O'Clock P. M.—The Governor & Council met agreeably to adjournment.

Mr. Olin, from the committee to whom was referred the bill entitled "an act to repeal a part of acts therein named," reported the same without amendment with a verbal explanation of its intended effects &c. whereupon, on motion, *Ordered* that said bill be re-committed to the same committee for amendment.

A message was received from the House by Mr. Langdon, one of its members, who returned the bill entitled "an act regulating the practice of Physic & Surgery within this State," which had been non-concurred by the Gov. & Council, and informed that the House have re-passed said bill, & request the concurrence of the Gov. & Council, and Mr. Langdon, having assigned the reasons of the House, withdrew. The bill was ordered to lie on the table until to-morrow morning.

Agreeably to the concurrent resolution of both houses, the Gov. & Council attended in the representatives' room for the purpose of making appointments in Orange County, after which the Governor & Council returned to their Chamber.

Received from the House a bill entitled "an act in addition to an act entitled an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating judicial proceedings," (regulating interest on *scire facias,)* with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act laying a tax on Albany," with an order of the House thereon that the same be referred to the land tax Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act in addition to an act entitled an act regulating and governing the militia of this State," with an order of the House thereon that the same be referred to the Military Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act directing the Treasurer to pay Daniel Tufts the sum therein mentioned," with an order of the House thereon that the same be referred to a select committee to join from Council, whereupon, *Resolved* to concur in said order of reference, and Mr. Chittenden was appointed from Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act laying a tax of two cents per acre on all the lands in the town of Kellyvale [Lowell,] including Kelly's Grant No. 2," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of three cents per acre on the town of Minehead [Bloomfield,] in Essex County," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act to discharge Peter Brewer of Highgate in the County of Franklin from a certain bond of recognizance therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act in amendment of the act entitled 'an act relating to jails & jailers & for the relief of persons imprisoned therein,' passed March 9, 1797," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act establishing an Academy in the Town of Thetford in the County of Orange, passed Oct. 29, 1819," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act to provide for the re-surveying a road therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the six bills aforesaid.

The House also sent up for revision & concurrence &c. "an act in addition to an act entitled 'an act reviving an act laying a tax of four cents on the acre in the township of Eden in the County of Orleans,' passed Nov. 8, 1819," which was read, and *Ordered* to lie on the table. Also, "an act for the relief of Jacob Bartholomew," which was read, and *Ordered* to lie on the table. Also, "an act appointing a committee to lay out & survey a public market road from the mouth of Wells river (so called) in the town of Newbury in the County of Orange, to the north line of Berkshire in the County of Franklin," which was read, and *Ordered* to lie on the table.

Adjourned to 9 O'Clock to-morrow morning.

SATURDAY, Nov. 11, 1820. 9 O'Clock A. M.

The Governor & Council met agreeably to adjournment.

A message was received from the House, by the certificate of their Clerk, informing that the House have concurred in the amendments last proposed by the Governor & Council to the bill entitled "an act in alteration & amendment of an act entitled 'an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating judicial proceedings,' and of an act entitled 'an act making further provisions in the judiciary department,'" and that the same has become a law.

The Council resumed the consideration of the bill entitled "an act appointing a committee to lay out and survey a public market road from the mouth of Wells river (so called) in the town of Newbury in the County of Orange to the north line of Berkshire in the County of Franklin," whereupon, on motion, *Ordered*, that it be committed to Messrs. Olin & Stanley to consider and report thereon.

The Council took up the bill entitled "an act for the relief of Jacob Bartholomew," whereupon, on motion, *Ordered*, that it be referred to Mr. Warner to consider & report thereon.

The Council resumed the consideration of the bill entitled "an act in addition to an act entitled an act reviving an act laying a tax of four cents on the acre in the township of Eden in the County of Orleans, passed Nov. 8, 1819," which was read. On motion, the Council agreed to propose an amendment to said bill, by striking out all after the word "*same*" in the 16th line—whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the bill, with the proposed amendment, be transmitted to the House by Mr. Stanley, who is appointed to assign the reasons of Council for the amendment & request the concurrence of the House.

The Council resumed the consideration of the bill entitled "an act regulating the practice of Physic & Surgery within this State," and on motion, *Ordered*, that the further consideration thereof be postponed until Monday morning next.

Adjourned to 2 o'Clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Mr. Warner, to whom was committed the bill entitled "an act for the relief of Jacob Bartholomew," reported the same with a proposed amendment, which was read & adopted by the Council, whereupon, *Resolved* to concur in passing this bill with the amendment. *Ordered* that the Secretary return the bill & proposed amendment to the House of representatives, & request their concurrence.

Mr. Olin, from the committee to whom was referred the bill entitled "an act appointing a committee to lay out & survey a public market road from the mouth of Wells river (so called) in the town of Newbury in the County of Orange to the north line of Berkshire in the County of Franklin," reported the same with amendments, which were read and adopted, & agreed to be proposed to the House of representatives—whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered* that the bill and proposed amendments be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of Council for the amendments, & request the concurrence of the House.

The House of representatives sent up the following resolution for concurrence, to wit:

"IN GENERAL ASSEMBLY Nov. 11, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in the representatives' room on Monday the 13 inst. at 10 o'clock

A. M. for the purpose of making further appointments of County officers."

Which was read, whereupon, *Resolved* to concur in passing said resolution. *Ordered* that the Secretary notify the House accordingly.

Adjourned to 9 o'Clock Monday morning next.

MONDAY Nov. 13, 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

A message was received from the House of representatives by Mr Haight, one of its members, who returned the bill entitled "an act repealing an act therein mentioned," and informed that the House had resolved not to concur in the amendments proposed by the Gov. & Council to said bill, and Mr. Haight, having assigned the reasons of the House for their non-concurrence, withdrew. On motion, *Ordered*, that the further consideration of said bill be postponed until to-morrow morning.

A message was received from the House, by the certificate of their Clerk, informing that they have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act in addition to an act entitled an act reviving an act laying a tax of four cents on the acre in the township of Eden in the County of Orleans, passed Nov. 8, 1819," and also to the amendments proposed to the bill entitled "an act for the relief of Jacob Bartholomew," and that said bills have become laws.

Received from the House a bill entitled "an act repealing an act therein mentioned," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act in addition to an act therein mentioned," giving jurisdiction to Justices to the amt. of $100, with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference. Also, "an act for the relief and benefit of the widow and heirs to the estate of Giles Chittenden late of Williston, deceased," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act designating the place of the meeting of the [Presidential] Electors," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act assessing a tax for the support of Government," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act annexing a part of the town of Newfane to the town of Brookline," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax on the County of Essex," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the four last mentioned bills.

The House also sent up for concurrence an engrossed bill entitled "an act in addition to an act entitled an act in amendment of and in addition to an act directing the mode of obtaining licences, and regulating Inns & houses of public entertainment, passed Feb. 6, 1804," which was read, whereupon, on motion, *Ordered* that said bill be referred to Messrs. Olin & Warner to consider and report thereon.

Mr. Cotton asked and obtained leave of absence during the remainder of the session.

The House sent up for concurrence a resolution appointing Abner Forbes, Jedediah H. Harris, & Allen Wardner, a committee to attend at

the Vermont State prison on the 30 day of Nov. inst. to take an inventory & appraisal of all the property and stock belonging to the institution, both in the hands of the Warden and Superintendent. Also to settle all accounts with Jabez Delano Esq. appertaining to his office as Superintendent of the State's prison.

Which was read, whereupon, *Resolved* to concur in passing said resolution. *Ordered* that the Secretary notify the House accordingly.

The House sent up the following resolution for concurrence, to wit:

"*Resolved*, the Governor & Council concurring herein, that the Secretary of State be directed to procure and transmit annually (bound and lettered) four copies of the Statutes of this State, which may from session to session be enacted, to the department of State of the United States: one for the use of the President, one for each of the two houses of Congress, and one for the library of Congress."

Which was read, whereupon, *Resolved* to concur in passing said resolution. *Ordered*, that the Secretary notify the House accordingly.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act regulating the compensation to the Judges of the several County Courts," which was read, and on motion, *Ordered* to lie on the table.

The House sent up the following resolution for concurrence &c. to wit:

"*Resolved*, the Governor & Council concurring herein, that one set of the documents received by his Excellency the Governor from the department of State of the U. States, presented under a resolution of the fifteenth Congress of the U. States, be kept for the use of the Gov. & Council, one for the use of the House of Representatives, and that the Secretary of State be directed to transmit one set to the President of the University of Vermont, and one to the President of Middlebury College, for the libraries of those institutions;" which was read, whereupon, on motion, the Council agreed to propose an amendment to said resolution, so that one set of said documents be kept for the use of the Governor, one for the use of the Gov. & Council, & one for the use of the House of representatives, and that one set be transmitted to the President of the University of Vermont for the library of that institution, whereupon, *Resolved* to concur in passing said resolution with the amendment. *Ordered*, that the resolution with the proposed amendment be transmitted to the House by his honor the Lt. Gov. who is appointed to assign to the House the reasons of Council for the proposed amendment.

Mr. Olin, from the Committee to whom was referred the bill entitled "an act to repeal a part of acts therein named," reported a substitute by way of amendment to said bill, which was read, and *Ordered*, to lie on the table.

Mr. Olin, from the Committee to whom was referred the bill entitled "an act in addition to an act entitled an act in amendment of and in addition to an act directing the mode of obtaining licenses and regulating Inns & houses of public entertainment, passed Feb. 6, 1804," reported the same with an amendment, which was read & adopted, whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the bill and amendment be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of Council for the proposed amendment.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to an act entitled an act relating to fines,

forfeitures, penalties and costs, and directing the mode of taking recognizances in certain cases," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Ichabod Peck," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in alteration and amendment of act entitled an act in amendment to the act entitled an act relating to jails & jailers, and for the relief of persons imprisoned therein, passed Nov. 16, 1819," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of three cents per acre on the town of Sheffield," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the four bills last mentioned.

The House also sent up for revision & concurrence &c. "an act giving the Supreme Court jurisdiction in certain cases," which was read, whereupon, *Resolved* to non concur in passing this bill. Mr. Olin is appointed to report the reasons of Council for their non-concurrence. Mr. Olin forthwith reported the following reasons, to wit: "The Indictments will be found for neglects to repair roads which shall have happened the year preceding the finding such bills of Indictment, and by the arrangement of the Jury terms of the Supreme Court, the trial must be postponed one full year, which in most cases will delay the repairs nearly two years from the time the neglect shall happen." Which having been read, was adopted as the reasons of Council for non-concurring in the passage of said bill. *Ordered*, that said bill, with the reasons of Council, be transmitted by the Secretary to the House of representatives.

The Council resumed the consideration of the bill entitled "an act regulating the practice of Physic and Surgery within this State." Mr. Fay moved that an amendment be proposed, "that this act shall have force & effect until the first day of November 1821, and no longer"—which was adopted, whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the bill and amendment be transmitted to the House by Mr. Butler, who is appointed to assign the reasons of Council & request the concurrence of the House.

The Council resumed the consideration of the bill entitled "an act to repeal a part of acts therein named," and the amendment (substitute) reported by the committee, which was adopted, whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the bill and proposed amendment be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of Council for the amendment, & request the concurrence of the House.

The Council resumed the consideration of the bill entitled "an act repealing an act therein mentioned," which had been amended by the Council & the amendment non concurred [by the House.] Mr. Stanley moved to suspend the passing of said bill untill the next session of the legislature, which was determined in the negative—yeas 5, Nays 6. Those who voted in the affirmative are Messrs. Berry, Chittenden, Fay, Olin, Stanley. Those who voted in the negative are his honor the Lt. Gov. Messrs. Andrus, Butler, Cotton, Leland & Warner.—Whereupon, on motion of Mr. Cotton, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Adjourned to 9 o'Clock to-morrow morning.

TUESDAY Nov. 14, 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The Council took up the bill sent up by the House for revision & concurrence &c. entitled "an act appointing a committee to alter and survey

part of the County road as heretofore laid from the Court house in St. Albans in the County of Franklin to the centre of Richford in said County," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House accordingly.

The Council resumed the consideration of the bill entitled "an act regulating the compensation to the Judges of the several County Courts," which was read, whereupon, on motion, *Resolved* to non-concur in passing said bill. Mr. Berry is appointed to draw up & report reasons for the non concurrence of Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to and alteration of the several acts ascertaining the principles on which the list of this State shall be made, and directing listers in their office & duty," which was read, whereupon, on motion, *Ordered* that it be committed to his honor the Lt. Gov. and Mr. Fay to consider and report thereon.

A message was received from the House, by the certificate of their Clerk, informing, that the House have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act appointing a committee to lay out & survey a public market road from the mouth of Wells river (so called) in the town of Newbury in the County of Orange to the north line of Berkshire in the County of Franklin," and it has become a law.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 10, 1820.

Resolved, the Governor & Council concurring herein, that it shall be the duty of the Clerks of the several County Courts in this State to return to the Secretary of State, on or before the 15 day of Oct. next, a statement of the whole number of original actions entered in each of their respective Counties; and also appeals & affirmations from Justices of the peace; and of the amt of Clerk's fees, and fees paid to the County treasuries, and of fees paid to the Judges of the County Courts during the whole of the years ending on the first day of Oct. 1820 & 1821 respectively; and also, statements of the number of Jury trials in such Courts, on original, and, also, on appealed actions in the several years ending on the first day of Oct. 1819, 1820 & 1821, respectively."

Which was read. Mr. Olin moved an amendment to said resolution, which was adopted, whereupon, *Resolved* to concur in passing said resolution with the amendment. *Ordered*, that the resolution & proposed amendment be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of Council for the proposed amendment & request their concurrence.

Received from the House a bill entitled "an act relating to poor debtors," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon, *Resolved* to concur in said order of reference.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit:

Resolved, the Governor & Council concurring herein, that both houses meet in the representatives' room on Thursday the 16th of Nov. inst. at 7 o'clock in the morning, for the purpose of adjourning both houses of the legislature without day.

Which was read, & *Ordered* to lie on the table.

Received from the House a bill entitled "an act directing the Treasurer to pay Elisha Putnam the sum therein mentioned," with an order

of the House thereon that the same be referred to the Committee of Claims, whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act laying a tax of three cents per acre on the township of Granby in the County of Essex," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Joel Bassett," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay Samuel Steward, William Flint Jr. & Elijah Flint the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act annexing the town of Roxbury in the County of Orange to the County of Washington," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in alteration and amendment of an act entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the five bills last mentioned.

The House also sent up for revision & concurrence &c. "an act to incorporate the Maidstone Merino Sheep establishment," which was read and on motion, *Ordered*, that it be referred to Mr. Berry to consider & report thereon.

Mr. Berry, from the committee appointed to report reasons for non-concurring the bill entitled "an act regulating the compensation to the Judges of the several County Courts," made a report, which was read, and on motion, *Ordered* to be recommitted, & Mr. Olin was added to the Comee.

Received from the House the petition of Ephraim Smith Jr. with an order of the House thereon that the same be committed to the Committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

His Honor the Lt. Gov., from the committee to whom was referred the bill entitled "an act in addition to & alteration of the several acts ascertaining the principles on which the list of this State shall be made, & directing listers in their office and duty," reported the same with several proposed amendments, which were read and adopted, whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that the bill and proposed amendments be transmitted to the House by His Honor the Lt. Gov. who is appointed to assign the reasons of Council, & request the concurrence of the House of representatives.

Adjourned to 9 o'Clock to-morrow morning.

Wednesday Nov. 15, 1820. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act directing the Treasurer to pay Caleb Rice the sum therein mentioned," which was by an order of the House referred to the [Committee of] Claims, whereupon, *Resolved* to concur in said order of reference.

A message was received from the House, by the certificate of their Clerk, informing that the House have concurred in the several amendments proposed by the Gov. & Council to the resolution for the distribution of the documents received from the Secy. of State of the U. States, and to the "act regulating the practice of Physic & Surgery within this State," and to the resolution directing [County] Clerks to return statement of fees &c. to the Secretary of State, and to the "act in amendment of and in addition to an act directing the mode of obtaining licences & regulating Inns & houses of public entertainment, passed Feb. 6, 1804."

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to establish a County Grammar School in the County of Orleans, and appointing a committee to designate the place where the same shall be located," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay David Cram the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act altering the time of holding the County Court within & for the County of Franklin," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled an act to restrain certain animals from running at large within villages in this State," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act establishing the jail of the County of Orleans a prison for receiving & safe keeping prisoners committed under the authority of the United States," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act exempting from Military duty the members of the literary institution at Norwich," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the appointment of Clerks of the Supreme Court in the Counties of Orleans & Essex," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act to provide for an additional number of copies of the laws of this State for the use of the General Assembly," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the nine bills last mentioned.

A message was received from the House by M^r. Haight, one of its members, who returned the bill entitled "an act to repeal parts of acts therein named," & informed that the House had non concurred in the amendments proposed by the Gov. & Council, & requested their concurrence in the passage of the bill, and M^r. Haight, having assigned the reasons of the House, withdrew. The Council resumed the consideration of said bill, and agreed to propose amendments anew, (by expunging part of those before proposed,) and give it a new title, whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that the bill & amendments be transmitted to the House by M^r. Olin, who is appointed to assign the reasons of Council for the proposed amendments.

M^r. Olin, from the committee appointed to prepare the reasons of Council for non concurring in passing the bill entitled "an act regulating the compensation to the Judges of the several County Courts," reported the following, to wit: "First, The bill contemplates placing the surplus of money paid in as court fees in the County Treasury for the payment of County expenses, which in the opinion of Council would be oppressive; as the persons, who through misfortunes or otherwise are obliged to delay paying their debts until collections are made by law, stand in need of the benefit of all retrenchments that can be made. 2^d, Although it cannot be doubted but considerable retrenchments may be made in the expense of the County Court, as well as in several other departments of Government, yet from the want of the information which is called for by the joint resolution lately passed, it is believed to be most proper to postpone the enquiry necessary in the discussion of said bill until the receipt of the returns above alluded to," which was read, and adopted as the reasons of Council. *Ordered*, that the bill and reasons afores^d be transmitted by the Secretary to the House of representatives.

Mr. Berry, to whom was committed the bill entitled "an act to incorporate the Maidstone Merino sheep establishment," reported the same with an amendment, (adding a 9th section), which was read & adopted, whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the bill & amendment be transmitted to the House by Mr. Berry, who is appointed to assign the reasons of Council for the proposed amendment, and request the concurrence of the House.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

The House of representatives sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 15, 1820.

Resolved, the Governor & Council concurring herein, that both houses meet in joint committee, in the representatives' room, this day at 3 o'clock after-noon, for the purpose of electing three directors of the Vermont State Bank."

Which was read, whereupon, *Resolved* to concur in passing said resolution. *Ordered* that the Secretary notify the House accordingly.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to an act to provide for the laying out a road from St. Johnsbury to Concord, passed Nov. 9, 1819," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Daniel Hazeltine Jr. the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act to incorporate the persons therein named by the name of the Magog Stone Company," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House of the passage of the three bills above mentioned.

A message was received from the House of representatives by Mr. Arnold, one of its members, who returned the bill entitled "an act regulating the compensation to the Judges of the several County Courts," and informed that the House had repassed said bill, & request the concurrence of the Gov. & Council. And Mr. Arnold, having assigned the reasons of the House, withdrew. The Council resumed the consideration of said bill. The Lieut. Governor moved an amendment to increase the wages of the side Judges 50 cents pr. day, which was adopted. Mr. Fay moved to propose an amendment, that the bill shall not take effect until the 1 Nov. 1821, which was adopted. Whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that the bill and proposed amendments be transmitted to the House by Mr. Fay, who is appointed to assign the reasons of Council, & request the concurrence of the House in said amendments.

A message was received from the House by Mr. Keyes, one of its members, who returned the bill entitled "an act in addition to & alteration of the several acts ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty," and informed that the House have non concurred in the amendments proposed by the Governor & Council, & request their concurrence in the passage of the bill—and Mr. Keyes, having assigned the reasons of the House, withdrew. The Council resumed the consideration of said bill, and on motion, agreed to propose amendments anew, to said bill, (by erasing part of the former proposed amendments,) whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that the bill and proposed amendments be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of Council, & request the concurrence of the House.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating judicial proceedings," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Ephraim Smith Jr." which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief and benefit of the widow, heirs and creditors to the estate of Giles Chittenden, late of Williston in the County of Chittenden, deceased," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of John Atwood," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay Elisha Putnam the sum therein named," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of five cents per acre on each acre of land in the township of Walden," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled an act regulating and governing the Militia of this State," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the seven bills last mentioned.

Adjourned to 7 o'Clock this evening.

[7 O'Clock P. M.]—The Governor & Council met &c.

Mr. Butler introduced the following resolution, to wit: *Resolved*, as the sense of the Council, that his Excellency the Governor appoint April 12th 1821, to be set apart as a day of fasting and prayer, and that he issue his proclamation accordingly; which was read and adopted.

The Council took up the resolution sent up by the House yesterday, fixing the time for the adjournment of both houses, when on motion said resolution was amended by adding the following, viz.—"and all business then remaining unfinished shall be suspended until the next session of the legislature," whereupon, *Resolved* to concur in passing said resolution with the amendment. *Ordered*, that the Secretary notify the House accordingly, and request their concurrence in the amendment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to revive & extend an act therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of William Smith," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act altering the time of holding the September term of Washington County Court," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the three bills above mentioned.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 15, 1820.

Resolved, the Governor & Council concurring herein, that William Baxter, Peleg Redfield & Noyes Hopkinson be a committee to enquire into the expediency and necessity of adopting measures to effect a removal of the dam and other obstructions at the outlet of Lake Memphremagog, in the province of Lower Canada, and report the same to the next session of the Genl. Assembly."

Which was read, whereupon, on motion, said resolution was amended by adding the following provision, to wit: that the expense of making such enquiry shall be paid by the persons who shall make application to said committee, whereupon, *Resolved* to concur in passing said resolution with the amendment.

The House sent up for revision & concurrence &c. a bill entitled "an act appropriating a sum of money for the purposes therein mentioned,"

which was read, and on motion, the Council agreed to propose an amendment to said bill, by inserting the word "*dollars*" after the word "*hundred*" in the 5th line. Whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the Secretary notify the House accordingly, & request their concurrence in the amendment.

A message was received from the House by Mr. Hendee, one of its members, who returned the bill entitled "an act regulating the compensation to the Judges of the several County Courts," and informed that the House have concurred in the first, and nonconcurred in the second amendment proposed to said bill by the Gov. & Council — and Mr. Hendee, having assigned the reasons of the House, withdrew. Whereupon, on motion, *Ordered*, that the further consideration of said bill be postponed until to-morrow morning.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to the act entitled an act annexing the town of Roxbury in the County of Orange, to the County of Washington," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Secretary notify the House accordingly.

The House sent up for concurrence sundry resolutions on the subject of the admission of Missouri into the Union, which were read, whereupon, *Resolved* to concur in passing said resolutions with the preamble. *Ordered* that the Secretary notify the House accordingly.

Adjourned to 7 O'clock to-morrow morning.

THURSDAY 16 Nov. 1820. 7 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The Council resumed the consideration of the bill entitled "an act regulating the compensation of the Judges of the several County Courts." Mr. Fay moved to suspend the passing of said bill until the next session of the legislature, and the question having been put was determined in the affirmative — yeas 7, Nays 3. Those who voted in the affirmative are, Messrs. Berry, Butler, Chittenden, Fay, Leland, Olin & Stanley. Those who voted in the negative are, his honor the Lt. Gov. Messrs. Andrus & Warner — so it was *Resolved* to suspend the passing said bill until the next session of the legislature. *Ordered*, that the Secretary notify the House accordingly.

A message was received from the House, by the certificate of their Clerk, informing, that they have concurred in the amendments proposed by the Gov. and Council to the act to repeal parts of acts therein mentioned, and that said bill be entitled "an act for the purpose of regulating suits respecting landed property, and directing the mode of proceeding therein," and that the same has become a law. They have also concurred in the amendment proposed to the bill entitled "an act to incorporate the Maidstone Merino Sheep establishment," and the same has become a law. They have also concurred in the amendments proposed to the bill entitled "an act in addition to and alteration of the several acts ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty," and the same has become a law. They have also concurred in the amendment proposed to the resolution for adjourning the Genl. Assembly without day, and the same has become a resolution of both houses. They have also concurred in the amendment proposed to the resolution relative to the removal of obstructions at the outlet of lake Memphremagog, and the same has become a resolution of both houses. They have also concurred in the amendment proposed to the bill entitled "an act appropriating a sum of money for the purpose therein mentioned," and the same has become a law.

The House sent up for concurrence &c. an engrossed bill entitled "an act making the necessary appropriations for the support of Government the present year, and for other purposes," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

A message was received from the House of representatives by Mr. Cameron, one of its members, informing that the House, having completed their business, are ready to meet the Governor & Council for the purpose of adjourning the General Assembly without day, agreeably to the joint resolution of both houses, and he withdrew. *Ordered*, that the Secretary inform the House of representatives that the Governor & Council, having finished the business before them, will immediately attend in the representatives' room, to adjourn the General Assembly without day.

Agreeably to the concurrent resolution of both houses, the Governor & Council attended in the representatives' room with the house of representatives; and after an address was made to the throne of Grace by Rev. Mr. Wright, the legislature was adjourned without day.

STATE OF VERMONT ss. The foregoing from page 1 to page 179 [of Vol. 9 of manuscript Journals of the Council] inclusive, is a true Journal of the proceedings of the Governor & Council at their annual session in the year 1820. R. TEMPLE *Secretary.*

His Excellency the Governor was pleased to make the following appointments, to wit:

Nov. 6, 1820. Samuel S. Phelps Esq. of Middlebury, to be Aid to the Governor, with the rank of Lieut. Col.

Nov. 11, Isaac Fletcher Esq. of Lyndon, to be Aid to the Gov. Horace Everett Esq. of Windsor to revise the Probate laws agreeably to the resolution of both Houses.

DEBENTURE OF COUNCIL 1820.

Names.	Miles Travel.	Amt. Travel.	No. Days	Amt of Atten'ce.	Amt of Deb.	
					Dolls.	Cts.
Lt. Gov. Brigham	45	$5. 40	2	8. 00	13.	40
Lt. Gov. Cahoon	44	5. 28	36	144. 00	149.	28
Mr. Andrus	84	10. 08	36	54.	64.	08
Berry	75	9. 00	36	54.	63.	—
Butler	12	1. 44	36	54.	55.	44
Chittenden	30	3. 60	36	54.	57.	60
Cotton	36	4. 32	34	51.	55.	32
Fay	120	14. 40	36	54.	68.	40
Leland	80	9. 60	36	54.	63.	60
Olin	75	9. 00	36	54.	63.	—
Phelps	98	11. 76	19	28. 50	40.	26
Stanley	32	3. 84	36	54.	57.	84
Warner	85	10. 20	36	54.	64.	20
Wetmore	61	7. 32	30	45.	52.	32
R. C. Mallary Esq. Secretary	90	10. 80	5	12. 50	23.	30
R. Temple do. (travel by Stage)	100	12.	34	85.	97.	—
John Peck Esq. Sheriff	12	1. 44	36	54.	55.	44
Fred. Richardson Sheriff's Dep'y.	12	1. 44	36	54.	55.	44
						$1098.92

FORTY-FIFTH COUNCIL.

OCTOBER 1821 TO OCTOBER 1822.

RICHARD SKINNER, Manchester, *Governor.*
WILLIAM CAHOON, Lyndon, *Lieut. Governor.*

Councillors:

EZRA BUTLER, Waterbury,	HENRY OLIN, Leicester,
TRUMAN CHITTENDEN, Williston,	JOSEPH WARNER, Sudbury,
TIMOTHY STANLEY, Greensboro',	CHARLES PHELPS, Townshend,
AARON LELAND, Chester,	JOHN H. ANDRUS, Danby,
SETH WETMORE, St. Albans,	JOSIAH DANA, Chelsea,
JOSEPH BERRY, Guildhall,	JOEL PRATT, Manchester.

ROBERT TEMPLE, Rutland, *Secretary.*
JOHN PECK, Waterbury, *Sheriff.*

BIOGRAPHICAL NOTICES.

JOSIAH DANA, as were the Danas of New England generally, was a descendant of Richard Dana, who settled in Cambridge, Mass., in 1640. Josiah was born in Barre, Mass., son of a Congregationalist clergyman, and first appeared in the Vermont records as representative of Chelsea in the General Assembly of 1803, which office he held also in 1806, 1808 and '9. He was a delegate in the Constitutional Convention of 1814; Assistant Judge of Orange County Court in 1812, Chief Judge 1816 until 1820, and Presidential elector in 1828. He was also Councillor 1821 until 1826. He died in April 1841.—Deming's *Catalogue;* and *Vt. Legislative Directory*, 1876-7.

JOEL PRATT represented Manchester in the General Assembly 1808 until 1812, also in 1813 and 1817. He was clerk of Bennington County Court 1803 until 1828, member of the Council of Censors in 1820, and Councillor 1821 until 1824.—Deming's *Catalogue;* and *Vt. Legislative Directory*, 1876-7.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER,

OCTOBER 1821.

STATE OF VERMONT.—A journal of the proceedings of the Governor and Council, at their session begun and held at Montpelier on the second thursday of October (being the 11th day of the month) in the year of our Lord Christ one thousand eight hundred and twenty one; and in the forty sixth year of the Independence of the U. States. Present: His Excellency Richard Skinner, Governor; His Honor, William Cahoon, Lt. Governor; The Hon. John H. Andrus, Truman Chittenden, Aaron Leland, Henry Olin, Charles Phelps, Timothy Stanley, Joseph Warner & Seth Wetmore, of the Council. A message was received from the House of Representatives, by Mr. Collamer one of its members, informing the Gov. & Council that the House had organized by appointing the Hon. D. Azro A. Buck their Speaker, and William D. Smith Esq. Clerk, pro tempore, and are ready to receive any communication that the Governor & Council may be pleased to make. And he withdrew. *Ordered*, that the Secretary inform the House of Representatives that His Excellency the Governor, together with a quorum of the Hon. Council, have assembled in the Council Chamber, and are ready to receive any communication that the House may be pleased to make.

Resolved, That the Governor & Council will now proceed to the appointment of a committee to receive, sort & count the votes for Governor, Lt. Governor, Treasurer & Councillors, for the year ensuing: whereupon Messrs. Olin, Wetmore & Phelps were duly appointed a committee on the part of the Gov. & Council for the purposes aforesaid, and were duly sworn to the faithful discharge of their duty.

A message was received from the House of Representatives, by Mr. Wales one of its members, informing the Gov. & Council that the General Assembly had, on their part, appointed a committee to receive, sort & count the votes for Governor, Lt. Governor, Treasurer & Councillors for the year ensuing—and he withdrew. *Ordered*, that the Secretary inform the House of Representatives that the Gov. & Council have, on their part, appointed the canvassing committee.

Adjourned to 4 o'Clock P. M.[1]

4 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment.

Mr. Butler of the Council appeared, and took his seat.

A message was received from the House of Representatives by Mr. Clark, a member of the House, informing the Gov. & Council that the House have convened, and are ready to receive the Gov. & Council in the Representatives' room, to hear the report of the canvassing committee; and requesting their attendance in the Representatives' room. And he withdrew. Whereupon, *Ordered*, that the Secretary inform the

[1] The election sermon was preached by Rev. Joshua Bates, President of Middlebury College.

Gen[l.] Assembly that the Gov. & Council will immediately attend in the Representatives' room to hear the report of the canvassing committee—which service was performed—and thereupon the Gov. & Council attended in the hall of the House; when the following report was made by the canvassing committee, to wit:

"To the Hon. Gen[l] Assembly of the State of Vermont, now sitting. The committee to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors, for the year ensuing, having attended to the business of their appointment, do report—That His Excellency Richard Skinner is elected Governor. The Hon. William Cahoon, Lieut. Governor. Benjamin Swan Esq. Treasurer. And that the Hon. Joseph Warner, Joseph Berry, Seth Wetmore, Timothy Stanley, Josiah Dana, Charles Phelps, Truman Chittenden, Henry Olin, Ezra Butler, John H. Andrus, Joel Pratt, and Aaron Leland, are elected Councillors for the year ensuing. Which is respectfully submitted.

J. COLLAMER, *Clerk.* HENRY OLIN, *Chairman.*

Oct. 11, 1821."

Which having been read, the Sheriff of Washington County made proclamation of said Elections; and the Governor & Council returned to their Chamber.[1]

Adjourned to 9 O'Clock to-morrow morning.

FRIDAY Oct. 12, 1821. 9 O'Clock A. M.

The Governor & Council met agreeably to adjournment.

Present, His Excellency the Governor, His Honor W[m.] Cahoon, Lt. Governor—Councillors, Hon. John F. Andrus, Ezra Butler, Truman Chittenden, Aaron Leland, Henry Olin, Charles Phelps, Timothy Stanley, Joseph Warner & Seth Wetmore.

His Honor the Lt. Gov. & the above named Councillors, attended in the House of Representatives, and after prayer, the oaths of office were administered to them by Judge Howes of Washington County.

A message was received from the House by M[r.] Field, one of its members, informing the Gov. & Council that the House have elected the Hon. D. Azro A. Buck their Speaker—William D. Smith Esq. Clerk—Timothy Merrill Esq. Engrossing Clerk—and the Hon. William Slade Jr. Secretary of State—and he withdrew.

The petitions of Oliver Spencer & Rufus Green, convicts in the State prison, for pardon, were presented.

His Excellency directs the Secretary to inform the House of Representatives, that he will attend in the Representatives' room, at two o'clock this after noon, to take the oaths of office, and make his communication to the Legislature.

On motion of M[r.] Olin, *Ordered*, that a committee be appointed to enquire into the expediency of adopting a rule of Council, authorizing a member to call for the previous question. Committee appointed, His Honor the Lt. Gov. Messrs. Olin & Butler.

Adjourned to 2 o'Clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met agreeably to adjournment.

The House returned a communication sent down by the Governor, relative to procuring to be delivered up by the Gov. of Lower Canada, one Jean Baptiste Tumas, who is charged with the murder of Abraham

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[1] The votes for Governor were as follows: Richard Skinner, 12,434; Scattering, 163.

Carley, with an order of the House thereon that the same be referred to a Com^ee of 4 to join from Council, whereupon, *Resolved* to concur in said order of reference — and M^r. Wetmore was appointed from Council.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L. ASSEMBLY Oct. 12, 1821.

Resolved, the Gov. & Council concurring herein, that both houses meet in the representatives' room in joint committee, at two o'clock this afternoon, for the purpose of electing a chaplain of the General Assembly for the year ensuing."

Whereupon, *Resolved* to concur in passing this resolution. *Ordered*, that the Secretary notify the House accordingly.

M^r. Olin, from the committee appointed this morning, reported, that it is inexpedient to adopt a rule of Council, authorizing a member to call for the previous question.

The petition of Joseph Reynolds Jr. (alias Ebenezer Parker,) for pardon was presented.

The Governor & Council attended in the representatives' room, when the oaths of office were administered to His Excellency by M^r. Councillor Wetmore — and the Governor delivered the following Speech.[1]

After his Excellency had delivered his speech, the two houses, agreeably to concurrent resolution, proceeded to the election of a Chaplain, and the Gov. & Council returned to their Chamber.[2]

The petition of John Jones, for pardon, was presented by M^r. Wetmore and taken up & read — whereupon, on motion of M^r. Butler, *Ordered*, that said petition be dismissed.

Adjourned to 9 o'Clock to morrow morning.

SATURDAY Oct. 13, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The Hon. Josiah Dana, a member of this Council, appeared, & took & subscribed the oaths of office, and took his seat.

The Governor sent a message, with the documents referred to in his speech to both houses, to the House of Representatives.

His Excellency the Governor was pleased to appoint Robert Temple Secretary of the Gov. & Council; who was sworn; and a message sent to the House accordingly.

Adjourned to 2 o'Clock P. M.

2 o'CLOCK P. M.—The Gov. & Council met agreeably to adjournment.

The petition of Joseph Reynolds Jr. (alias Eben^r Parker,) a convict in the State prison, for a pardon, was taken up & read, whereupon, on motion the question was put, "Shall a pardon be granted to said Jo^s. Reynolds Jr.?" which was determined in the negative—Yeas 4, Nays 5. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Olin & Warner—4. Those who voted in the negative are, Messrs. Butler, Dana, Phelps, Stanley & Wetmore. So it was *Resolved* that said petition be dismissed.

The petition of Thomas Hendlen, for pardon, was presented.

The House sent up for revision & concurrence &c. an engrossed bill enittled "an act appropriating a sum of money for the purposes therein mentioned"—which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec^y notify the House accordingly.

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[1] For the speech, see *Appendix* A.

[2] Rev. Joshua Bates was elected.

A message was received from the House of Representatives that they have appointed, agreeably to the rules of the House, the following standing committees, in which they desire the Gov. & Council to join, to wit: A committee of 4, denominated the Military Comᵉᵉ. A comᵉᵉ of 4, denominated the Comᵉᵉ of Ways & Means. A comᵉᵉ of 4, denominated the Judiciary Comᵉᵉ. A comᵉᵉ of 4, denominated the Comᵉᵉ of Claims. A comᵉᵉ of 4, denominated the Turnpike Comᵉᵉ. A comᵉᵉ of 4, denominated the Comᵉᵉ of Insolvency. A comᵉᵉ of 4, denominated the Comᵉᵉ of Manufactures. A comᵉᵉ of 4, denominated the Comᵉᵉ of Agriculture. A comᵉᵉ of 4, denominated the Land tax Comᵉᵉ, & a comᵉᵉ of 4, denominated the Comᵉᵉ of New Trials. Whereupon, *Resolved* to join with the above committees; and the Lt. Gov. was appointed on the Military Comᵉᵉ, Mʳ. Dana on the Comᵉᵉ of Ways & Means, Mʳ. Wetmore on the Judiciary Comᵉᵉ, Mʳ. Olin on the Comᵉᵉ of Claims, Mʳ. Leland on the Turnpike Comᵉᵉ, Mʳ. Warner on the Comᵉᵉ of Insolvency, Mʳ. Chittenden on the Comᵉᵉ of Manufactures, Mʳ. Andrus on the Comᵉᵉ of Agriculture, Mʳ. Stanley on the Land tax Comᵉᵉ & Mʳ. Phelps on the Comᵉᵉ of New Trials.

Adjourned to 9 o'clock on Monday morn. next.

Monday Oct. 15, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The Hon. Joel Pratt, a member of this Council, appeared, was sworn, & took his seat.

The petition of William Annis, a convict in the State prison, for pardon, was presented & read – and the question was put, "Shall a pardon be granted to said William Annis?" which was determined in the negative unanimously. Those who voted in the negative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Pratt, Stanley, Warner & Wetmore—11. So it was *Resolved*, that said petition be dismissed.

The petitions of Jabez Ingham, John Atwood, and Aaron Mosher, were received from the House, with an order on each, that the same be referred to the Comᵉᵉ of Ways & Means—whereupon, *Resolved* to concur in said orders of reference.

The petitions of sundry inhabitants of Enosburgh, and of the Rifle Co. 1 Reg. 1 Brig. 4 Div. (Invincibles) of Militia, were received from the House, with an order on each, that the same be referred to the Military Comᵉᵉ. Whereupon, *Resolved* to concur in said orders of reference.

Received from the House of Representatives, a bill entitled "an act in addition to an act entitled an act for the Probate of wills & the settlement of testate & intestate estates"—Also, "an act for the relief of poor imprisoned debtors"—Also, "an act in addition to an act entitled an act directing proceedings against the trustees of concealed or absconding debtors"—Also, "an act to provide for reports of the decisions of the Supreme Court"—Also, "an act relating to the pleadings in civil actions"—Also, "an act relating to poor debtors"—Also, "an act prohibiting the taking of unlawful interest"—Also, "an act for the punishment of certain inferior crimes & misdemeanors"—Also, "an act in alteration of an act entitled an act defining the powers of Justices of the peace within this State"—Also, "an act in addition to an act directing the mode of electing Governor" &c.—Also "an act repealing an act therein mentioned" (directing mode of passing laws)—Also "an act to prevent the purchase of choses in action," with an order of the House on each of said bills, that the same be referred to the Judiciary Committee—whereupon, *Resolved* to concur in said orders of reference.

The House sent up a communication from the Council of Censors, on the subject of the act of the legislature assessing a tax for the support of schools, on the subject of regulating the rate of interest, & on the subject of the acts regulating the licencing of hawkers & pedlers, & retailing spirituous liquors, with an order of the House thereon that the same be referred to the Judiciary Committee — whereupon, *Resolved*, to concur in said order of reference.

Received the petition of the select men of Rochester, with an order of the House thereon that the same be referred to the Judiciary Committee — whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution, in which they desire the concurrence of the Gov. & C. to wit:

"In Genl. Assembly Oct. 13, 1821.

Resolved, that the Judiciary Comee be instructed to enquire into the expediency of providing by law for the admission to the liberties of the prison, all persons who have been or shall be committed to prison on civil process;"— which was read — whereupon, *Resolved* to concur in passing said resolution.

Received the Petitions of the select men of Whiting — of Peter Starr & others—of Hezekiah Fitch, & of Isaac Odel, with an order of the House on each, that the same be referred to the Judiciary Committee. Whereupon, *Resolved*, to concur in said order of reference.

The House sent up the Probate bill, reported by H. Everett Esq. who was appointed agreeably to a resolution of the last session to revise the probate laws, with an order of the House thereon that the same be referred to the Judiciary Comee. Whereupon, *Resolved* to concur in said order of reference.

Received the petitions of Solomon Mason—Conrad Sax—Levi Hathaway Jr.—Alvin House—Caleb Fisk—Cromwell Bowen—Dan H. Benjamin, and of Wm. Trumbull, with an order of the House on each that the same be referred to the Comee of Claims. Whereupon, *Resolved*, to concur in said orders of reference.

Also, Recd the Petition of Claudius Brittol & Luther Haven, with an order of the House thereon that the same be referred to the Comee of Claims. Whereupon, *Resolved* to concur with said order of reference, with an amendment that the same be referred to the Comee of Ways & Means, instead of the Comee of Claims.

Also, Received the Petitions of Joseph Skeals—Enoch Pease—John Hazelton—Henry Corey—Benj. B. Sargeant—Danl. Tufts—Benj. Adams Jr. & Asahel Powers—Ezra Davis & Nathan Wyman—Henry Hill & John Taisey, with an order of the House on each that the same be referred to the Comee of Claims—whereupon, *Resolved* to concur in said orders of reference.

Also, Received the Petitions of sundry inhabitants of Windham Co.— of the Windham Turnpike Co. — & of the town of Weybridge & the Waltham Turnpike Co.—& of the Poultney Turnpike Co., with an order of the House on each that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said orders of reference.

Also, Received the Petitions of sundry inhabitants of the town of Navy [Charleston,] of Moses Davis & others—of the select men of Moretown — of the select men of Hancock — of sundry inhabitants of Kingston [Granville]—of sundry inhabitants of Jay—of sundry inhabitants of Kirby—of sundry inhabitants of Peru & 2 remonstrances of the proprietors of Peru—also an act laying a tax on Albany, with an order of the House on each that the same be referred to the land tax Comee. Whereupon, *Resolved* to concur in said orders of reference.

Also, Received the Petitions of Joseph Nichols — Moses Aldrich —

Tilly H. Cleasley—William Barton — James Miner — John M. Jewel — Luther Hunt—Cyrus Clement — Nath[l]. Waldron Jr. — Nathan Gibbs—Tho. Barrett — Barzillai Dewey — Warren Evans — Luther Hutchinson, and John Frye, with an order of the House on each that the same be referred to the Com[ee] of Insolvency. Whereupon, *Resolved* to concur in said orders of reference.

Also, Received the Petitions of John Jones & al. and of Caleb Clapp, with an order of the House on each, that the same be referred to the Com[ee] of Manufactures. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up the communication from the Council of Censors on the subject of granting new trials, presented at the last session—Also the Petitions for new trial in the cases of Middlebury v. Barre, and Leonard Deming v. W. & A. Chapman, with an order of the House on each that the same be referred to the Com[ee] of New Trials. Whereupon, *Resolved* to concur in said orders of reference. Also, Received from the H. the petition of sundry inhabitants of Corinth, and an act assessing a tax on the County of Orange, with an order of the House on each that the same be referred to a committee consisting of the members from the County of Orange, to join from Council. Whereupon, *Resolved* to concur in said orders of reference ; and M[r]. Dana was appointed from Council.

The Petition of Daniel Butler, for pardon, was taken up & read—whereupon, on motion of M[r]. Leland, *Ordered*, that said petition be dismissed.

The petition of Jacob Brown, a convict in the State prison, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted to said Jacob Brown?" which was determined in the affirmative —Yeas 11, Nay 1. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Leland, Olin, Phelps, Pratt, Stanley, Warner & Wetmore. Negative, M[r]. Dana.

The following petitions for pardon were presented, to wit : Gid. Arling—W[m]. Armes—Matthew Battersley—John Burrell—Sam[l]. Blackington, alias Sam[l]. B. Lane—Jesse Brooks—John Brown—Chauncey Beach —John Buxton—John F. Bradley—Clark Caryl—Leonard Corlis—John Culley—Lewis Cambridge—John Campbell—W[m]. T. Cooper—Asa Chamberlin—Thomas Davis—Joseph Erwin—James Fitch—John Fisk—Elijah Grooms—James German—Ira Harrington—Allen Howard—Peggy Hall — W[m]. B. Herrick—Selah Hickcox—Reuben T. Hathaway— W[m]. Johnson—Hiram Kezar—John M. Kelly—Horace Kimball—Jesse Lucas —Tho. Leavett—Michael Lillis—Isaac Locke—Harvey Medcalf—Tim[y]. Morgan — Rob[t]. Marshal — W[m]. W. Noble — Stephen Prentiss — Silas Plumley — Hugh Platt — John B. Putvah — Aaron Rowley — Sampson Thurston—Caleb B. Cady—Alonzo Davis—John Downing, alias John Beams—Nath[l] Davis—Sam[l] Dolloff—Perkins Downings—Stephen Davis—Sam[l]. Elder—John Emerson—M. Floid—Ros. Ford—Rufus Green—David O. Gould—E. Hildreth—Calvin Hall—Joab Jennes—Alfred Prentice —P. A. Quackenbush—John Price — Tho. Rogers — E. Rowley — John Smith—Joshua Sever—Geo. Simmons—W[m]. P. Sanford—Geo. Shepard—Theodore Staples — Benj. Smith — R. Spaulding — Jacob Spencer — G. Thomas—Noah White—Geo. Wheeler—Tho. Waters—Tho. Williams—Sol. P. Wheeler—John Wilson & Richard Watson.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

The petition of Sampson Thurston, a convict in the State prison, for pardon, was taken up & read—and the question was put, "Shall a pardon

be granted to said Thurston ?" which was determined in the negative—yeas 3, Nays 9. Those who voted in the affirmative are Messrs. Chittenden, Phelps & Stanley. Those who voted in the negative are, the Lt. Gov. Messrs. Andrus, Butler, Dana, Leland, Olin, Pratt, Warner & Wetmore. So it was *Ordered* that said petition be dismissed.

The petition of John F. Bradley, for a pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered* that said petition be dismissed.

The petition of Clark Caryl, a convict in the State prison, for pardon, was taken up and read — and the question was put, "Shall a pardon be granted the said Clark Caryl?" which was determined in the affirmative unanimously. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Phelps, Pratt, Stanley, Warner & Wetmore, 12.

Received the Petition of Stephen Blasdel, with an order of the House thereon that the same be referred to the Comee. of Ways & Means, whereupon, *Resolved* to concur in said order of reference. Also, Received the Petition of Eliphalet Sampson, with an order of the House thereon that the same be referred to the Judiciary Comee, whereupon, *Resolved* to concur in said order of reference. Also, Received the Petitions of Heman Robinson & Oliver Farrer & al.— Charles Hunter, & of Sophia Hall, with an order of the House on each that the same be referred to the Comee of Claims. Whereupon, *Resolved* to concur in said orders of reference. Also, Received the Petitions of Hubbel Mitchell — Joseph Parker, and of Samuel Beardsley, with an order of the House on each that the same be referred to the Comee. of Insolvency—whereupon, *Resolved* to concur in said orders of reference. Also, Received a bill entitled "an act to revive a tax on Berkshire," and "an act to revive a tax on Enosburgh"—and the petition of sundry inhabitants of Parkerston, and of sundry inhabitants of Brookline, with an order of the House on each that the same be referred to the Land tax Comee, whereupon, *Resolzed* to concur in said orders of reference. Also, Received the petition of the Green Mountain Turnpike Co. and of Alex. Campbell, with an order of the House on each that the same be referred to the Comee of New Trials—whereupon, *Resolved* to concur in said orders of reference. Also, Received the Petitions of the Winooskie Turnpike Co. and of the Town of Hartland, with an order of the House on each that the same be referred to the Turnpike Comee. Whereupon, *Resolved* to concur in said orders of reference. Also, The petition of the select men of Wells, with an order of the House thereon that the same be referred to a Comee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Andrus was appointed from Council. Also, The Petition of the Episcopal Society of Fairfield, with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Leland was appointed from Council. Also, The Petitions of sundry inhabitants of Windsor—Reading and Plymouth—with an order of the House that the same be referred to a Comee of 4 to join from Council, whereupon, *Resolved* to concur in said order of reference—and Mr. Butler was appointed from Council. Also, The Petition of Jona. Hunt Jr. & others, for a Bank at Brattleboro', with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—& Mr. Phelps was appointed from Council. Also, The petition of the Select men of Londonderry, with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Pratt was appointed from Council. Also, The petition

of Wm. Baxter & Isaac Dennison, with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and the Lt. Gov. was appointed on the part of Council. Also, The petition of the widow & heirs of Abel Fisk, with an order of the House thereon that the same be referred to a Comee of 4 to join from C. Whereupon, *Resolved* to concur in said order of reference—and Mr. Warner was appointed from Council. Also, The petition of the Inhabitants of Hog Island, with an order of the House thereon that the same be referred to a comee of 4 to join from Council—whereupon, *Resolved* to concur in said order of reference—and Mr. Chittenden was appointed from Council. Also, The petition of the Select men of Rockingham, with an order of the House thereon that the same be referred to a Comee of 2 to join—whereupon, *Resolved* to concur in said order of reference, and Mr. Stanley was appointed from Council. Also, The petition of John Paterson, with an order of the House thereon that the same be referred to a Comee of 2 to join from Council. *Resolved* to concur—and Mr. Phelps was appointed from Council. Also, The petition & remonstrance of sundry inhabitants of Plymouth, with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Dana was appointed from Council. Also, The petitions of Anna Richardson—of Vinal Thayer—Hewes Hogg, Wm. Hogg & Saml Hogg—and of Ephraim Blood to alter names, with an order of the House on each that the same be referred to a Comee of 2 to join from Council. Whereupon, *Resolved* to concur in said orders of reference, and Mr. Warner was appointed from Council. Also, The petition of sundry inhabitants of Newark, with an order of the House thereon that the same be referred to the Comee to whom was referred the pet. of Baxter & Dennison — whereupon, *Resolved* to concur in said order of reference. Also, The petition of Elijah Parker, with an order of the House thereon that the same be referred to a Comee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Andrus was appointed from Council.

The Resolutions & documents from the States of Maryland & New Hampshire on the subject of appropriating a portion of the public lands for the purposes of education, referred to in the Governor's speech, were sent up from the House, with an order thereon that the same be referred to a Comee of 4, to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Olin was appointed from Council. Also, the Resolutions from the State of Ohio, referred to in the Governor's speech, with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Wetmore was appointed from Council.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 12, 1821.

Resolved, that a Comee of 4 members be appointed, to join from Council, to enquire into the expediency of printing the first Constitution of this State, together with such of the laws of the State as are not now in print;" which was read—whereupon, *Resolved* to concur, and Mr. Pratt was appointed from Council.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 13, 1821.

Resolved, that the Comee raised to take into consideration the propriety of printing the first Constitution of this State, be directed to enquire into the expediency of providing by law for publishing the journals of

the Gov. & Council; & report by bill or otherwise "—which was read, whereupon, *Resolved* to concur in passing said resolution.

The House also sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 15, 1821.

Resolved, the Governor & Council concurring herein, that both houses meet in County Conventions on Tuesday next, at 4 o'Clock in the after noon, for the purpose of making nominations of County officers—and that they meet in joint comᵉᵉ in the representatives' room at the opening of the House on Wednesday morning next, for the purpose of electing such officers "—which was read. Whereupon, *Resolved* to concur in said resolution.

The House also sent up the following resolution for concurrence, to wit:

"In Genˡ. Assembly Oct. 15, 1821.

Resolved, the Governor & Council concurring herein, that both houses meet in the Representatives' room, on Wednesday next, at 2 o'clock P. M. for the purpose of electing the Judges of the Supreme Court"—which was read, Whereupon, *Resolved* to concur in passing said resolution.

Ordered, that the Secretary notify the House of the passage of the two last mentioned resolutions.

Adjourned to 9 o'Clock to-morrow morning.

Tuesday Oct. 16, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Mʳ. Leland introduced the following resolution:

In Council 16 Oct. 1821.

Resolved, that the new seal, recently procured to be engraved by the Secretary, with the same device as the old one, be recognized as the seal of this State. Which was read & adopted.

The House of Representatives sent up the Petition of Claudius Brittol & Luther Haven, with an order of the House thereon that the same be referred to the Comᵉᵉ of Claims—whereupon, *Resolved* to concur in said order of reference, with an amendment that the same be referred to the Comᵉᵉ of Ways & Means instead of Comᵉᵉ of Claims. Also, The Petition of the inhabitants of Elmore, with an order thereon that the same be referred to the Comᵉᵉ to whom was referred the petition of Baxter & Dennison — whereupon, *Resolved* to concur in said order of reference. Also, The petition of the inhabitants of Vershire, with an order thereon that the same be referred to a Comᵉᵉ of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mʳ. Andrus was appointed from Council. Also, The Petition of the Trustees of Bradford Academy, with an order of the House thereon that the same be referred to the members from the County of Orange, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mʳ. Dana was appointed from Council. Also, The Petition of the inhabitants of Williston, with an order thereon that the same be referred to the members from Chittenden County, to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mʳ. Chittenden was appointed from Council. Also, The Petition of John R. Blake & others, with an order thereon that the same be referred to a comᵉᵉ of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mʳ. Olin was appointed from Council. Also, a bill entitled "an act directing the Treasʳ to stay further proceedings against the town of West

Haven," with an order thereon that the same be referred to the Com^ee of Ways & Means. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of Truman Squires, with an order of the House thereon that the same be referred to the Com^ee of Claims, whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled, "an act in ad. to & to revive an act entitled an act laying a tax on all the lands in the town of West Fairlee in the County of Orange, passed Oct. 27, 1820"—with an order thereon that the same be referred to the land tax Com^ee. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of sundry inhabitants of Windham Co. with an order thereon that the same be referred to the Turnpike Com^ee. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of James Bucklin, with an order thereon that the same be referred to the Com^ee of Insolvency. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of the inhabitants of Brookline, with an order of the House thereon that the same be referred to a com^ee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and M^r. Butler was appointed from Council. Also, the message of His Excellency the Gov. of the 15 inst. communicating certain resolutions of the legislatures of New Hampshire & Illinois on the subjects of proposed amendments to the Constitution of the U. States, with an order of the House thereon that the same, with the accompanying documents; be referred to a com^ee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r. Leland was appointed from Council.

The House sent up the following resolution for concurrence, to wit:

"In Gen^l. Assembly, Oct. 15, 1821.

Resolved, that a com^ee consisting of a member from each County, be raised, to join from Council, to enquire into the expediency of altering & revising the act entitled "an act regulating fees" passed Oct. 27, 1798, & the several acts in ad^n. thereto," which was read—whereupon, *Resolved* to concur in passing said resolution—and the Lt. Governor was appointed from Council.

The Council took up the Petition of John M. Kelly, a convict in the State prison, for pardon, and the question was put, "Shall a pardon be granted the said John M. Kelly?" which was determined in the affirmative—yeas 10, Nays 1. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Pratt, Stanley & Warner. M^r. Phelps voted in the negative.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

Received from the House, the Petition of David Edmond, with an order of the House thereon that the same be referred to the Com^ee of Claims—whereupon, *Resolved* to concur in said order of reference. Also, The Petitions of W^m. Wolcott & of Billings Walker & others,—and the Report of the Superintendent of the State prison, with an order on each that the same be referred to the Com^ee of Ways & Means. Whereupon, *Resolved* to concur in said orders of reference. Also, Petitions [of] Hartland v. Fairfax—and of the Green Mountain Turnpike Co. with an order on each, that the same be referred to the Com^ee of New Trials. Whereupon, *Resolved* to concur in said orders of reference, Also, Petitions of sundry inhabitants of Orange—Bradford—Corinth & Topsham, with an order on each, that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said orders of reference. Also, The Petitions of Charles Sweeney—Nat^l. Allen—Moses Myers—Chester

Walker—Rufus Woodward—Natl. Blood, & Saml. Parker, with an order on each that the same be referred to the Comee of Insolvency. Whereupon, *Resolved* to concur in said orders of reference. Also, a bill entitled, "an act for the relief of Hubbel Mitchell," with an order of the House thereon that the same be referred to the Comee of Insolvency. Whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit:

"In Genl. Assembly Oct. 16, 1821.

Resolved, that the Judiciary Committee be directed to enquire into the expediency of so altering or amending the law, directing the manner of serving writs against corporations, that service shall be made upon the Clerks or some other officer thereof—and that said committee report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit:

"In Genl. Assembly Oct. 16, 1821.

Resolved, that the Military Comee be instructed to enquire into the expediency of calling in the arms which have been distributed to the towns in this State, and placing them under the care of the Quarter Master Genl," which was read—whereupon, *Resolved* to concur in passing said resolution.

The Council took up the petition of John Fisk, a convict in the State prison, for pardon, which was read, and the question was put, "Shall a pardon be granted said John Fisk?" which was determined in the affirmative—yeas 11, Nay 1. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Phelps, Stanley, Warner & Wetmore. Mr. Pratt voted in the negative.

Adjourned to 9 o'Clock to-morrow morning.

Wednesday Oct. 17, 1821. 9 o'Clock A. M.

The Governor & Council met according to adjournment.

The Council took up the Petition of John Brown, a convict in the State prison, for pardon, which was read—and on motion of Mr. Olin, the question was put, "Shall a pardon be granted to said John Brown upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative—Yeas 8, Nays 4. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Leland, Olin, Stanley & Warner. Those who voted in the negative are, Messrs. Dana, Phelps, Pratt & Wetmore.

The Council took up the petition of Chauncey Beach for pardon, and after considering the same, *Ordered* to lie on the table.

The Governor & Council attended in the Representatives' room, agreeably to a joint resolution, to make appointments of County officers—after which, they returned to the Council Chamber.

Adjourned to 2 O'Clock P. M.

2 O'Clock P. M.—The Governor & Council met agreeably to adjournment.

The Governor & Council attended in the House of Representatives, for the purpose of appointing Judges of the Supreme Court—which having been postponed, they returned to the Council Chamber.

The Petition of Joseph G. Bears, for pardon, was presented.

The Council resumed the consideration of the petition of Chauncey Beach for pardon—and the question was put, "Shall a pardon be granted the said Chauncey Beach?" which was determined in the negative

unanimously. Those who voted in the negative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Phelps, Pratt, Stanley, Warner & Wetmore—so it was *Ordered*, that said petition be dismissed.

Received from the House of Representatives the Petitions of George Warner, and Saml Shuttleworth, with an order of the House on each that the same be referred to the Comee of Ways & Means, whereupon *Resolved* to concur in said orders of reference. Also, The Petition of Truman Purdy, with an order of the House thereon that the same be referred to the Committee of Claims—whereupon, *Resolved* to concur in said order of reference. Also, The Petitions of Lyman Burlingame—Wm. Hix—Wm. Wilder, and David Carr, with an order of the House on each that the same be referred to the Committee of Insolvency—whereupon, *Resolved* to concur in said orders of reference. Also, The Petition of sundry inhabitants of Rockingham, Westminster & Putney, with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order of reference. Also, The Petitions of the town of Topsham—of the town of Newbury—of Rich Stevens & others of Wheelock, with an order of the House on each that the same be referred to the Land tax Comee. Whereupon, *Resolved* to concur in said orders of reference. Also, a bill entitled "an act repealing an act establishing the boundary lines of the town of Stratton," & the Petition of John Hall & others for a tax on Parker's Gore, with an order on each that the same be referred to the Land tax Comee. Whereupon, *Resolved* to concur in said orders of reference. Also, The Petition of Wm. Strong, with an order of the House thereon that the same be referred to the Comee of New Trials—whereupon, *Resolved* to concur in said order of reference. Also, The Petitions of Park Wood & others—and Abner Aldrich & others—with an order of the House on each that the same be referred to the Comee to whom was referred the Pet. of Baxter & Dennison. Whereupon, *Resolved* to concur in said orders of reference. Also, The Petitions of Isaac Odel — Wm. Royce—Peter Starr & others—the select men of Rochester—the select men of Whiting, and of Hez. Fitch—with an order of the House that the Judiciary Comee, to whom the same had been referred, be discharged from the farther consideration thereof; and that the same be committed to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order—and Mr. Butler was appointed from Council. Also, The Petition of Stephen Conant, with an order of the House thereon that the same be referred to a comee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Chittenden was appointed from Council. Also, a bill entitled "an act to revive an act establishing an Academy at Brattleboro'"—with an order of the House thereon that the same be referred to a comee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Pratt was appointed from Council. Also, The Petition of Luther Bugbee, with an order of the House thereon that the same be referred to the comee to whom was referred the Pet. of John R. Blake. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of sundry inhabitants of Sherburne, with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Andrus was appointed from Council. Also, The following Resolution was sent up for concurrence, to wit:

"In Genl. Assembly Oct. 17, 1821.

Resolved, that the Military Comee be instructed to enquire into the expediency of so amending the Militia law as to give to the several companies of Militia *rank* according to the seniority of the commanding

officer of said companies—and also in raising the rank of Adjutant to that of Captain—and to report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit:

"In Gen^{L} Assembly Oct. 17, 1821.

Resolved that the Secretary of State be directed to deliver to the committee appointed to revise the fee bill, the returns of the Clerks of the County & Supreme Courts, lodged in his office in obedience to a resolution of the last session of the legislature"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The Council took up the Petition of David Fowler, a convict in the State prison, for pardon, which was read; and the question was put "Shall a pardon be granted the said David Fowler?" which was determined in the negative unanimously. Those who voted in the negative are, the Lt. Gov. Messrs. Andrus, Butler, Dana, Leland, Olin, Phelps, Pratt, Stanley, Warner & Wetmore. So it was *Ordered*, that said petition be dismissed.

Adjourned to 9 o'Clock to-morrow morning.

Thursday Oct. 18, 1821. 9 O'Clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House of Representatives a bill entitled "an act to repeal the third section of an act regulating the practice of physic &c." with an order of the House thereon that the same be referred to a com^{ee} of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and M$^{r.}$ Dana was appointed from Council. Also, a bill directing the Treasurer of the State to pay the several Clerks of the Supreme & County Courts in this State the sums therein mentioned—with an order of the House thereon that the same be referred to a com^{ee} of 4 to join from Council—whereupon, *Resolved* to concur in said order of reference—and the Lt. Gov. was appointed from Council. Also, The Petition of Elihu Luce & others, with an order of the House thereon that the same be referred to a com^{ee} of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and M$^{r.}$ Phelps was appointed from Council. Also, a bill appropriating the rents of the Grammar School lands in Roxbury to Washington County Grammar School, with an order of the House thereon that the same be referred to a com^{ee} of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M$^{r.}$ Stanley was appointed from Council.

The Council took up the Petition of John Burrell, a convict in the State prison, for pardon, which was read; and the question was put, "Shall a pardon be granted the said John?" which was determined in the negative unanimously. Those who voted in the negative are, the Lt. Gov. Messrs. Andrus, Butler, Dana, Leland, Olin, Phelps, Pratt, Stanley, Warner & Wetmore. So it was *Ordered*, that said petition be dismissed.

The Council took up the petition of Samuel Blackington, (alias Sam$^{l.}$ B. Lane,) for pardon, which was read — whereupon, on motion of M$^{r.}$ Stanley, *Ordered*, that said petition be dismissed.

The House sent up the following resolution for concurrence, to wit:

"In Gen^{L} Assembly Oct. 17, 1821.

Resolved. that the Judiciary Com^{ee} be directed to enquire into the expediency of incorporating proprietors of meeting houses within this State"—which was read—whereupon, *Resolved* to concur in passing said resolution.

Received from the House the Petitions of the town of Rochester, & the town of Braintree, with an order of the House on each that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of Samuel Tyler & others, with an order thereon that the same be referred to the Com^ee^ of Manufactures—whereupon, *Resolved* to concur in said order of reference.

The Council took up the Petition of John Buxton for pardon, which was read—whereupon on motion of M^r.^ Olin, *Ordered*, that said petition be dismissed.

The petition of Joseph G. Bears for pardon was taken up & read—whereupon, on motion of M^r.^ Phelps, *Ordered*, that said petition be dismissed. The Petition of Matthew Battersley for pardon was taken up & read—whereupon, on motion of M^r.^ Olin, *Ordered*, that said petition be dismissed. The Petition of John Culley, for pardon, was taken up & read—whereupon, on motion of M^r^ Olin, *Ordered*, that said petition be dismissed. The Petition of Lewis Cambridge, for pardon, was taken up & read—whereupon on motion of M^r.^ Wetmore, *Ordered*, that said petition be dismissed. The Petition of John Corliss, for pardon, was taken up and read—whereupon, on motion of M^r.^ Stanley, *Ordered*, that said petition be dismissed. The Petition of Asa Chamberlin, for pardon, was taken up & read—whereupon, on motion of M^r.^ Wetmore, *Ordered*, that said petition be dismissed. The Petition of Caleb B. Cady, for pardon, was taken up and read—whereupon, on motion of M^r.^ Olin, *Ordered*, that said petition be dismissed.

The Petition of William F. Cooper, a convict in the State prison, for pardon, was taken up and read; and the question was put, "Shall a pardon be granted to the said William?" which was determined in the affirmative—Yeas 8, Nays 3. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Leland, Olin, Stanley, Warner & Wetmore. Those who voted in the negative are, Messrs. Dana, Phelps & Pratt.

Adjourned to 2 O'Clock P. M.

2 O'Clock P. M.—The Governor & Council met agreeably to adjournment.

The Petition of John Campbell, for pardon, was taken up & read—whereupon, on motion of M^r.^ Butler, *Ordered*, that said petition be dismissed.

The Petition of Aaron Rowley, for pardon, was taken up and read—and the question was put, "Shall a pardon be granted said Aaron Rowley?" which was determined in the negative—yeas 2, nays 9. Those who voted in the affirmative are, Messrs. Chittenden & Stanley. Those who voted in the negative are, the Lt. Gov. Messrs. Andrus, Butler, Dana, Leland, Olin, Pratt, Warner & Wetmore, so it was *Ordered*, that said petition be dismissed.

Received from the House the petitions of sundry inhabitants of Pownal & of Sam^l.^ Blackmer & others, with an order of the House thereon that the same be referred to the com^ee^ to whom was committed the petition of sundry inhabitants of Sherburne—whereupon, *Resolved* to concur in said orders of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act directing the Treasurer to stay further proceedings against the town of Westhaven," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec^y^ notify the House of the passage of said bill.

The Petition of Allen Howard, for pardon, was taken up and read—whereupon, on motion of M^r.^ Leland, *Ordered*, that said petition be dismissed.

Rec[d] from the House the Auditor's report of State prison accounts, and the report of the com[ee] appointed at the last session to appraise State's prison property, with an order of the House on each that the same be referred to the Com[ee] of Ways & Means. Whereupon, *Resolved* to concur in said orders of reference.

The Petition of John Bean, alias John Downing, for pardon, was taken up and read — and the question was put, "Shall a pardon be granted the said John?" which was determined in the affirmative — yeas, 10, nay 1. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Stanley, Warner & Wetmore. M[r.] Pratt voted in the negative.

Ebenezer Flint's petition for pardon was presented.

Adjourned to 9 o'Clock to-morrow morning.

FRIDAY Oct. 19, 1821. 9 o'Clock A. M.

The Governor & Council met pursuant to adjournment.

The petition of Ira Harrington, for pardon, was taken up and read — whereupon, on motion of M[r.] Butler, *Ordered* that said petition be dismissed.

The Petition of Catherine Wilson, for pardon, was presented & filed.

The Petition of Erastus Rowley, a convict in the State prison, for pardon, was taken up & read—and the question was put, "Shall a pardon be granted the said Erastus Rowley?" which was determined in the negative — yeas 5, nays 6. Those who voted in the affirmative are, Messrs. Andrus, Butler, Chittenden, Stanley & Warner. Those who voted in the negative are, the Lt. Gov. Messrs. Dana, Leland, Olin, Pratt & Wetmore. So it was *Ordered* that said petition be dismissed.

The House sent up the following resolution, in which they desire the concurrence of the Gov. & Council, to wit:

"IN GENERAL ASSEMBLY Oct. 18, 1821.

"*Resolved*, the Governor & Council concurring herein, that both houses meet in joint com[ee] in the Representatives' room, on friday the 19[th] inst. at 2 o'Clock in the afternoon, for the purpose of electing a chaplain for the remainder of the session" — which was read. Whereupon, *Resolved* to concur in passing said resolution. *Ordered*, that the Sec[y.] notify the House accordingly.[1]

The House sent up the following resolution for concurrence, to wit:

"IN GEN[L.] ASSEMBLY, Oct. 18, 1821.

Resolved, the Governor & Council concurring herein, that His Excellency the Governor be requested to appoint Thursday the 6[th] day of December next, to be observed as a day of thanksgiving & praise throughout this State"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House sent up a bill entitled "an act directing the Treasurer to pay Benj. B. Sargeant the sum therein named," with an order of the House thereon that the same be referred to the Com[ee] of Claims, with instructions to report a statement of facts—whereupon, *Resolved* to concur in said order of reference.

Received from the House the petition of Eli Hinds; and the Report of the Warden of the State prison, with an order of the House on each that the same be referred to the Com[ee] of Ways & Means. Whereupon, *Resolved* to concur in said orders of reference. Also, Received the Petitions of Israel Williams—Lyman King—John Law—Benj. Boardman

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[1] Rev. Chester Wright was elected Chaplain.

—Sam[l]. Campbell & Rufus Campbell, with an order of the House on each that the same be referred to the Committde of Insolvency. Whereupon, *Resolved* to concur in said orders of reference. Also, Received a bill for the relief of W[m]. Strong, and the Petitions of Silas Hathaway—Erastus Chamberlain, & of Joseph Batchelder Jr. with an order of the House on each that the same be referred to the Committee of New Trials. Whereupon, *Resolvèd* to concur in said orders of reference. Also, Received the Petition of Leonard Deming v. Chapman, & report thereon, with an order of the House that the same be re-committed to the Com[ee] of New Trials. Whereupon, *Resolved* to concur in said order of re-commitment. Also, Received the Petition of the Select men of Derby, with an order of the House thereon that the same be committed to the com[ee] to whom was referred the Petition of the Select men of Rockingham. Whereupon, *Resolved* to concur in said order of reference.

The Petition of Calvin Hall, a convict in the State prison, for pardon, was taken up & read and the question was put, "Shall a pardon be granted the said Calvin Hall?" which was determined in the affirmative unanimously. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Pratt, Stanley, Warner & Wetmore—11.

The Petition of Alonzo Davis, for pardon, was taken up and read—whereupon, on motion of M[r]. Butler, *Ordered* that said petition be dismissed.

The Petition of Stephen Davis, a convict in the State prison, for pardon, was taken up and read—and the question was put, "Shall a pardon be granted the said Stephen Davis?" which was determined in the affirmative unanimously. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Pratt, Stanley & Warner—10.

Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

The Governor & Council attended in the House of Representatives for the purpose of appointing Judges of the Supreme Court &c. after which they returned to the Council Chamber.[1]

The Petition of Thomas Davis, for pardon, was taken up and read—whereupon, on motion of M[r]. Dana, *Ordered* that said petition be dismissed. The Petition of Nathaniel Davis, for pardon, was taken up and read. Whereupon, on motion of M[r]. Butler, *Ordered* that said petition be dismissed. The Petition of Samuel Dolloff, for pardon, was taken up and read. Whereupon, on motion of M[r]. Butler, *Ordered* that said petition be dismissed. The Petition of Perkins Downing, for pardon, was taken up and read—whereupon, on motion of M[r]. Dana, *Ordered* that said petition be dismissed.

Received from the House of Representatives the bill entitled "an act for the punishment of certain inferior crimes & misdemeanors," with an order of the House thereon that the same be re-committed to the Judiciary Com[ee] to consider & report thereon. Whereupon, *Resolved* to concur in said order of re-commitment.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 19, 1821.

Resolved, the Governor & Council concurring herein, that it shall be the duty of the several Clerks of the Sup. & County Courts who are in town, so to correct their returns to the Sec[y] of State as to present an

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[1] Dudley Chase, Joel Doolittle, and William Brayton were elected.

aggregate of the whole amount of Clerks' fees, the whole amount of Judges' fees, the whole amount of fees recovered for writ, declaration, term fees, travel & attorney fees. Also the whole amount of debt & damages.—Also the whole amount of cost during the years ending Oct. 1819, 1820, & 1821. Also an aggregate of the whole number of causes ended in said courts during the term aforesaid—and also state the length of the several terms in their respective Counties"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House also sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 19, 1821.

Resolved, that the Judiciary Committee be directed to enquire into the expediency of providing a mode of collecting Executions against Turnpike & other corporations"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House also sent up the following resolution for concurrence, to wit:

"In Genl. Assembly Oct. 19, 1821.

Resolved, that so much of his Excellency's speech as relates to schools be referred to a comee of two, to join from Council, and that said comee be instructed to enquire into the expediency of passing a law that school district Clerks shall be sworn, and that said Clerks shall designate in their returns of the number of scholars in their respective districts the names of the heads of families & the number of scholars in each. And also that each town in this State shall, at its annual March meeting, choose a comee to examine & licence school masters, & report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

Received from the House the Report of the Auditor in the Treasury Department, with an order of the House thereon that the same be referred to the Comee of Ways & Means. Whereupon, *Resolved* to concur in said order of reference. Also, Received a bill entitled "an act regulating the exhibition of shows within this State," with an order of the House thereon that the same be referred to the Judiciary Comee. Whereupon, *Resolved* to concur in said order of reference. Also, Received the petitions of Luther Hunt—Curtis Kelsey Jr.—Charles Preston—Thomas Stanton, & Joseph Clifford, and an act for the relief of Natl. Waldron Jr. with an order of the House on each that the same be referred to the Committee of Insolvency. Whereupon, *Resolved* to concur in said orders of reference. Also, Received the petition of sundry inhabitants of Worcester, with an order of the House thereon that the same be referred to the land tax Comee. Whereupon, *Resolved* to concur in said order of reference. Also, Received the presentment made by the Grand Jury of Orange County Jail, with an order of the House thereon that the same be referred to the members from Orange Co. to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Dana was appointed from Council.

Adjourned to 9 o'Clock to-morrow morning.

Saturday Oct. 20, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House of Representatives the Petition of sundry inhabitants of Danby—the petition & remonstrance of sundry inhabitants of Danby, and two petitions from sundry inhabitants of Mt. Tabor, with an order of the House on each that the same be referred to a

Comᵉᵉ of 4 to join from Council. Whereupon, *Resolved* to concur in said orders of reference, and Mʳ. Butler was appointed from Council. Also, Received the Petitions of sundry inhabitants of Belvidere—of sundry inhabitants of Bakersfield & Belvidere, & of sundry inhabitants of Eden, with an order of the House on each that the same be referred to a comᵉᵉ of 4 to join from Council. Whereupon, *Resolved* to concur in said orders of reference, with an amendment that the same be referred to the Comᵉᵉ to whom was committed the petition of sundry inhabitants of Danby. Also, Received the Petition of Joseph B. Danforth, with an order of the House thereon that the same be referred to a Comᵉᵉ of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mʳ. Warner was appointed from Council. Also, Received the Petition of Benj. Heart, with an order of the House thereon that the same be referred to the Comᵉᵉ of Insolvency. Whereupon, *Resolved* to concur in said order of reference. Also, a bill to discontinue a certain road therein mentioned, with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order of reference. Also, Received a bill entitled "an act in addition to an act entitled an act regulating town meetings, & the choice & duty of town officers," with an order of the House thereon that the same be referred to a comᵉᵉ of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference — and Mʳ. Stanley was appointed from Council. Also, Received the Petitions of Bill Blake & others, and E. T. Englesby & others, with an order of the House on each that the same be referred to a Comᵉᵉ of 2 to join from Council. Whereupon, *Resolved* to concur in said orders of reference, and Mʳ. Phelps was appointed from Council.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 19, 1821.

Resolved, the Governor & Council concurring herein, that the Judiciary Comᵉᵉ be instructed to enquire into the expediency of making provision by statute, that the Supreme & County Courts respectively shall have power to effect the opening of new highways laid out under their orders, as fully as County Courts may now effect the repair of highways, after the same have been indicted for want of repairs; and that said committee report by bill or otherwise." Which was read—whereupon, *Resolved* to concur in passing said resolution.

The Council took up the Petition of Roswell Ford, a convict in the State prison, for pardon, which was read—and the question was put, "Shall a pardon be granted the said Roswell Ford?" which was determined in the affirmative, yeas 7, nays 4. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Chittenden, Olin, Phelps, Warner & Wetmore. Those who voted in the negative are, Messrs. Butler, Dana, Leland & Stanley. That part of the petition of said Roswell Ford, which prays the remission of certain fines, was rejected & dismissed.

Mʳ. Olin moved to reconsider the vote dismissing the petition of Aaron Rowley, for pardon, and the question being put, was determined in the negative.

Mʳ. Leland moved to re-consider the vote dismissing the petition of Erastus Rowley, for pardon; and the question being put, was determined in the affirmative—and thereupon the question was put, "Shall a pardon be granted the said Erastus Rowley?" which was determined in the affirmative, Yeas 9, Nays 2. Those who voted in the affirmative are, Messrs. Andrus, Butler, Chittenden, Leland, Olin, Phelps, Stanley, Warner & Wetmore. The Lt. Gov. & Mʳ. Dana voted in the negative.

The House sent up for revision & concurrence &c. an engrossed bill

entitled "an act for the relief of Hubbel Mitchel," which was read—whereupon, *Resolved* to concur in passing said bill. *Ordered*, that the Sec'y notify the House thereof.

The Petition of the officers & soldiers of the 9th Co. 3 Reg. 3 Brig. & 4 Div. of the Militia to be transferred to the 5 Reg. 2 Brig. & 1 Div. was presented & committed to the Lt. Gov. to consider & report thereon.

The Petition of John Emerson, for pardon, was taken up and read—whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 20, 1821.

Resolved, the Governor & Council concurring herein, that the Auditor of Accounts against the State be requested to furnish the House with a statement of the amount allowed by him to the Secretary of State, the Secretary of the Governor & Council, & the Clerk of the General Assembly, annually, for three years past, and the several items for which such allowance was made." Which was read. Whereupon, *Resolved* to concur in passing said resolution.

Received from the House the Petition of sundry military officers in Roxbury, Warren, Waitsfield, Fayston & Moretown, with an order of the House thereon that the same be referred to the Military Committee. Whereupon, *Ordered*, that said petition lie on the table.

The House returned the Petitions from sundry inhabitants of Belvidere—Eden, and Bakersfield, they having concurred in referring the same to the Comee to whom was committed the Petition of sundry inhabitants of Danby.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 18 1821.

Resolved, that the Judiciary Comee be instructed to enquire into the expediency of passing a law making further provisions for such poor persons in this State as have not gained a settlement in any town within the same, and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following Resolution for concurrence, to wit:

"In Genl. Assembly Oct. 20, 1821.

Resolved, the Governor & Council concurring herein, that the Comee of New Trials, to whom was re-committed the Petition of Leonard Deming against A. Chapman, for the passing of a special act authorizing the Supreme Court to sustain the said Deming's petition for a new trial, be directed to report a statement of facts in the case, as they have been proved to the said committee, whichwas read. Whereupon, *Resolved* to concur in passing said resolution.

Received from the House the Petition of Truman Squires, & the report of the Comee thereon, with an order of of the House that the same be re-committed. Whereupon, *Resolved* to concur in said order of recommitment. Also, Received the Petition of Jeremiah Morrill, with an order of the House thereon that the same be referred to the Comee of Insolvency. Whereupon, *Resolved* to concur in said order of reference. Also, Received the Petition of Samuel Darling, with an order of the House thereon, that the same be referred to the Comee to whom was committed the petition of Anna Richardson. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill en-

titled "an act altering the name of John Pratt"—which was read. Whereupon, *Resolved* to concur in passing said bill. Also, "an act to revive an act entitled an act laying a tax of two cents per acre on Enosburgh"—which was read—whereupon, *Resolved* to concur in passing said bill. Also, "an act altering the name of Anna Richardson"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act to revive an act establishing an Academy in the town of Brattleboro' in the County of Windham, passed Nov. 4, A. D. 1801"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the township of Topsham, in the County of Orange," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Caleb Fisk, David Atwood, Stephen Gilman & Samuel W. Webster, the sum therein mentioned" — which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act to revive an act entitled an act laying a tax of two cents and five mills per acre on the town of Berkshire, passed Nov. 7, 1820," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to and to revive an act entitled an act laying a tax on all the lands in the town of West Fairlee in the County of Orange, passed Oct, 27, 1820"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the eight bills last mentioned.

Adjourned to Monday morning next, at 9 o'clock A. M.

MONDAY Oct. 22, 1821. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The petition of Joseph Erwin, a convict in the State prison, for pardon, was taken up & read—and the question was put, "Shall a pardon be granted the said Joseph Erwin ?" which was determined in the affirmative—yeas 5, Nays 3. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Leland, Warner & Wetmore. Those who voted in the negative are, Messrs. Dana, Olin & Phelps.

The House sent up the following resolution for concurrence, to wit:

"IN GEN$^{L.}$ ASSEMBLY, Oct. 20, 1821.

Resolved, that the Com^{ee} of Ways & Means be instructed to enquire into the expediency of reducing the sum at which taxable polls should be set in the list in this State, and to report by bill or otherwise," Which was read. Whereupon, *Resolved* to concur in passing said resolution.

Received from the House the Petitions of Oren Kelsey—Joel Hills, & Hoseah White—and a bill entitled "an act restoring David Carr to his legal privileges"—with an order of the House on each that the same be referred to the Com^{ee} of Insolvency. Whereupon, *Resolved* to concur in said orders of reference.

Received from the House a bill entitled "an act for the encouragement of Cotton & Wool Manufactures," with an order of the House thereon that the same be referred to the Com^{ee} of Manufactures. Whereupon, *Resolved* to concur in said order of reference. Also, Received a bill entitled "an act repealing part of an act therein mentioned," (laying a road from Wells river to Newbury,) with an order of the House thereon that the same be referred to the Turnpike Com$^{ee.}$ Whereupon, *Resolved* to concur in said order of reference. Also, Received a bill entitled "an act in addition to & alteration of an act regulating marriage & divorce"—with an order of the House thereon that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of William Strong"—which was read—whereupon, *Resolved* to concur in passing this bill.

The petition of Samuel Elder, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

The Petition of Catharine Wilson, a convict in the State prison, for pardon, was taken up and read—and the question was put, "Shall a pardon be granted the said Catharine?" which was determined in the affirmative—Yeas 6, Nays 3. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Dana, Olin, Phelps & Warner. Those who voted in the negative are, Messrs. Leland, Stanley & Wetmore.

The Petition of Greenleaf Thomas, (alias Geo. G. Brown,) a convict in the State prison, for pardon, was taken up and read—and the question was put, "Shall a pardon be granted the said Greenleaf?" which was determined in the affirmative—yeas 6, nays 4. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Dana, Olin, Warner & Wetmore. Those who voted in the negative are, Messrs. Butler, Leland, Phelps & Stanley.

The Petition of James Fitch, for pardon, was taken up and read—whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed. The Petition of Meriner Floid, for pardon, was taken up and read—whereupon, on motion of Mr. Olin, *Ordered* that said petition be dismissed. The petition of Jesse Brooks, for pardon, was taken up and read, whereupon, on motion of Mr. Olin, *Ordered* that said petition be dismissed. The Petition of Gideon Arling, for pardon, was taken up & read—whereupon, on motion of Mr. Butler, *Ordered* that said petition be dismissed.

The House sent up the following resolution for concurrence, to wit:

"In Genl. Assembly, Oct. 22, 1821.

Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee, in the representatives' room, on tuesday next at ten o'clock in the forenoon, for the purpose of electing a person to preach the next election sermon"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence:

"In Genl. Assembly Oct. 22, 1821.

Resolved, the Governor & Council concurring herein, that both houses meet in joint Committee in the Representatives' room, on tuesday next, at ten o'clock in the forenoon, for the purpose of electing a Superintendent & Warden of the State prison, and Auditor of Accounts against the State, for the year ensuing"—which was read, Whereupon, *Resolved* to concur in passing said resolution. *Ordered*, that the Secretary notify the House of the passage of the two last mentioned resolutions.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 22, 1821.

Resolved, the Governor & Council concurring herein, that the part of the Governor's speech which relates to the Militia be referred to the Military committee, with instructions to inquire into the expediency of so altering the militia law as will more effectually prevent too frequent discharging commissioned officers, and report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resloution for concurrence, to wit:

"In General Assembly Oct. 22, 1821.

Resolved, the Governor & Council concurring herein, that the Military Committee be instructed to enquire into the expediency of repealing the 9th section of an act in amendment of an act entitled "an act regulating & governing the militia of this State," passed Nov. 16, 1819 Also into the expediency of providing by law that the Major Generals, in their respective divisions, be authorized & empowered to commit to the safe keeping & use, any piece of ordnance, with carriage & apparatus thereto belonging, furnished by this State, to any one company as he may deem necessary"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

Received from the House the Petition of John Beckwith, with an order of the House thereon that the same be referred to the Comee of Claims. Whereupon, *Resolved* to concur in said order of reference. Also, Received the Petition of Woodbury Storer, with an order of the House thereon that the same be referred to the committee to whom was committed the petition of Isaac Odel. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of James Miner"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of the State to pay Charles Hunter the sum therein mentioned"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Tilly H. Cleasby," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay Joseph Skeals the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the township of Hancock," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the five bills above mentioned.

Adjourned to 9 o'Clock to-morrow morning.

Tuesday Oct. 23, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Mr. Wetmore moved that the Council reconsider the vote passed the 13 inst. refusing a pardon to Joseph Reynolds (alias Parker)—and the question of reconsideration being put, was carried in the affirmative—and thereupon the question was put, "Shall a pardon be granted the said Joseph?" which was determined in the affirmative—yeas 7, Nays 4. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Olin, Pratt, Stanley, Warner & Wetmore. Those who voted in the negative are, Messrs. Butler, Dana, Leland & Phelps.

The Governor & Council attended in the House, for the purpose of making appointments, after which the Gov. & Council returned to their Chamber.[1]

Received from the House a bill entitled "an act appropriating the avails of the ministerial lands in the town of Chittenden for the benefit of common schools"—with an order of the House thereon that the same be referred to the Comee to whom was committed the petition of the Select men of Wells. Whereupon, *Resolved* to concur in said order of reference. Also, Received a bill entitled "an act in addition to an act

[1] The elections were Jabesh Hunter, Warden, and John H. Cotton, Supt. of the State prison; Norman Williams, Auditor of Accts.; Rev. John Linsey, to preach the next election sermon, and Rev. Eben'r Brown, substitute.

entitled an act relating to fences and defining the duty of fence viewers," with an order of the House thereon that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for annexing certain small Islands to the town of North Hero"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

The Petition of Elijah Grooms, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of James German, for pardon, was taken up and read, whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed. Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

The Lieut. Gov. to whom was referred the petition of the officers & soldiers of the 9th Co. 3 Reg. 3 Brig. & 4th Div. to be transferred to 5 Reg. & 2 Brig. of 1st Div. made report—that having learnt that the field officers of the Regt. to which said Co. is attached have not been notified of their intention to make application to be annexed to any other Regt. he is of opinion that the prayer of the petitioners ought not now to be granted—which report was read & accepted—and the petitioners have leave to withdraw their petition.

The Petition of Rufus H. Green, for pardon, was taken up and read—whereupon, on motion of Mr. Olin, *Ordered*, that said petition be dismissed.

Received from the House the petition of sundry inhabitants of Elmore, & the report of the Committee to whom the same had been referred, with an order of the House thereon that the same be re-committed. Whereupon, *Resolved* to concur in said order of re-commitment. Also, A bill entitled "an act directing the Treasurer of the State to pay the several Clerks of the Supreme & County Courts in this State the sums therein mentioned," with an order of the House thereon that the same be re-committed to the Comee who reported the same. Whereupon, *Resolved* to concur in said order of re-commitment. Also, The Petition of the corporation of the University of Vermont, with an order of the House thereon that the same be referred to a comee of 6 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Dana was appointed from Council. Also, The Petition of sundry inhabitants of Coit's Gore, Belvidere & Cambridge, praying to be formed into a separate town, with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Wetmore was appointed from Council. Also, The Petition & Remonstrance of sundry inhabitants of Cambridge against the last mentioned petition, with an order of the House thereon that the same be referred to the same Comee — whereupon, *Resolved* to concur in said order of reference. Also, The Petition of the corporation of Castleton Medical Academy, for a lottery, with an order of the House thereon that the same be referred to a Comee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and the Lt. Gov. was appointed from Council.

The Petition of Wm. B. Herrick, for pardon, was taken up and read — whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed.

The Petition of Peggy Hall, a convict in the State prison, for pardon, was taken up & read, and the question was put, "Shall a pardon be granted the said Peggy Hall?" which was determined in the affirmative —yeas 10, nay 1. Those who voted in the affirmative are, the Lt. Gov

Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Stanley, Warner & Wetmore. Mr. Phelps voted in the negative.

The Petition of Reuben T. Hathaway, for pardon, was taken up and read—whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed. The Petition of Selah Hickcox, for pardon, was taken up & read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of William Johnson, for pardon, was taken up and read. Whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The Petition of Hiram Kezar, for pardon, was taken up and read—whereupon, on motion of Mr. Stanley, *Ordered*, that said petition be dismissed. The Petition of Horace Kimball, for pardon, was taken up and read. Whereupon, on motion of Mr. Stanley, *Ordered*, that said petition be dismissed.

The Petition of Jesse Lucas, a convict in the State prison, for pardon, was taken up & read—and the question was put, "Shall a pardon be granted to said Jesse Lucas?" which was determined in the affirmative —Yeas 10, Nay 1. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Leland, Olin, Phelps, Stanley, Warner & Wetmore. Mr. Dana voted in the negative.

The Petition of Thomas Leavett, a convict in the State prison, for pardon, was taken up and read—and on motion of Mr. Butler the question was put, "Shall a pardon be granted the said Thomas Leavett, upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative —Yeas 9, Nay 1. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Stanley & Warner. Mr. Wetmore voted in the negative.

The Petition of Isaac Locke, a convict in the State prison, for pardon, was taken up and read; and on motion of Mr. Butler, the question was put, "Shall a pardon be granted the said Isaac Locke, upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative—Yeas 6, Nays 3. Those who voted in the affirmative are, Messrs. Andrus, Butler, Chittenden, Leland, Olin & Warner. Those who voted in the negative are, the Lt. Gov. Messrs. Dana & Stanley. The Petition of Michael Lillis, for Pardon, was taken up and read—whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed. The Petition of Timothy Morgan, for pardon, was taken up and read. Whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed. The Petition of Harvey Medcalf, for pardon, was taken up and read—whereupon, on motion of Mr. Olin, *Ordered*, that said petition be dismissed. The Petition of Robert Marshal, for pardon, was taken up and read—whereupon on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of Wm. W. Noble, for pardon, was taken up and read—whereupon, on motion of Mr. Leland. *Ordered*, that said petition be dismissed. The Petition of Stephen Prentiss, for pardon, was taken up and read—whereupon on motion of Mr. Olin, *Ordered*, that said petition be dismissed. The Petition of John B. Putvah, for pardon, was taken up and read—whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed. The Petition of Hugh Platt, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of Silas Plumley, for pardon, was taken up and read—whereupon, on motion of Mr. Andrus, *Ordered*, that said petition be dismissed.

Adjourned to 9 o'Clock to-morrow morning.

WEDNESDAY Oct. 24, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit.

"IN GEN$^{L.}$ ASSEMBLY Oct. 22, 1821.

Resolved, the Governor & Council concurring herein, that a com^{ee} of 4 members of the house, to join from Council, be appointed to enquire into the expediency of so amending the law as to apportion the tax to be made in the several towns in this State, for the purpose of making & repairing highways, on the list of the polls & rateable estate of such towns, at a certain rate to be prescribed by law, without regard to the number of male persons between the age of twenty one & sixty years, and to report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution — and M$^{r.}$ Leland was appointed from Council.

The House sent up the following resolution for concurrence, to wit:

"IN GENERAL ASSEMBLY Oct. 23, 1821.

Resolved, the Gov. & Council concurring herein, that the Judiciary Com^{ee} be instructed to enquire into the expediency of providing by law against counterfeiting or passing counterfeit bank notes payable at the bank of Canada—and that they report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

Received from the House a bill entitled "an act directing the Treasurer of the State to pay John H. Cotton the sum therein mentioned," with an order of the House thereon that the same be referred to the Com^{ee} of Ways & Means. Whereupon, *Resolved* to concur in said order of reference. Also, Received the Petition of Sam$^{l.}$ Beardsley, & the report of the Com^{ee} of Insolvency thereon, with an order of the House that the same be re-committed. Whereupon, *Resolved* to concur in said order of re-commitment. Also, Received the Petition of sundry inhabitants of Mansfield, with an order of the House thereon that the same be referred to the Com^{ee} to whom was committed the Petition of Baxter & Dennison. Whereupon, *Resolved* to concur in said order of reference. Also, Received the Petition of Robert Temple, with an order of the House thereon that the same be referred to the Military Com$^{ee.}$ Whereupon, *Resolved* to concur in said order of reference. Also, Received a bill entitled "an act directing the Treasurer to credit Ed. C. Spaulding, first constable of the town of Lemington, the sum therein mentioned," with an order of the House thereon that the same be referred to the Com^{ee} of Ways & Means. Whereupon, *Resolved* to concur in said order of reference.

The Petition of sundry militia officers in Roxbury, Warren, Waitsfield, Fayston & Moretown was presented, read & referred to the Lt. Gov. Messrs. Andrus & Dana to consider & report thereon.

The Petition of Peter N. Quackenbush, for pardon, was taken up and read—whereupon, on motion of M$^{r.}$ Wetmore, *Ordered*, that said petition be dismissed. The Petition of John Rice, for pardon, was taken up and read — whereupon, on motion of M$^{r.}$ Leland, *Ordered*, that said petition be dismissed. The Petition of Tho. Rogers, for pardon, was taken up and read — whereupon, on motion of M$^{r.}$ Wetmore, *Ordered*, that said petition be dismissed. The Petition of John Smith, for pardon, was taken up and read — whereupon, on motion of M$^{r.}$ Leland, *Ordered*, that said petition be dismissed. The Petition of Geo. Shepard, for pardon, was taken up and read—whereupon, on motion of M$^{r.}$ Wetmore, *Ordered*, that said petition be dismissed. The Petition of Benj. Smith, for pardon, was taken up and read — whereupon, on motion of M$^{r.}$ Warner, *Ordered*, that said petition be dismissed. The Petition of Rufus Spalding, for

pardon, was taken up and read — whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed The Petition of Theodore Staple, for pardon, was taken up and read — whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed.

The Petition of William P. Sanford, a convict in the State prison, for pardon, was taken up & read, and the question was put, "Shall a pardon be granted the sd Wm. P. Sanford ?" which was determined in the affirmative—Yeas 10, Nays 0. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Stanley, Warner & Wetmore. The Petition of Geo. Simmons, for pardon, was taken up & read—whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed. The Petition of Jacob Spencer, for pardon, was taken up and read—whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

The Petition of Joshua Sever, a convict in the State prison, for pardon, was taken up and read ; and the question was put, "Shall a pardon be granted the said Joshua Sever ?" which was determined in the affirmative—Yeas 10, Nays 0. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

The Petition of Richard Watson, a convict in the State prison, for pardon, was taken up and read ; and on motion of Mr. Olin, the question was put, "Shall a pardon be granted the said Richard Watson, upon condition that he leave this State within twenty days & not return within twenty years ?" which was determined in the affirmative—Yeas 10, Nays 0. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Leland, Olin, Phelps, Stanley, Warner & Wetmore.

The Petition of B. S. Monroe, for pardon, was presented and read—whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed. The Petition of Solomon P. Wheeler, for pardon, was taken up and read—whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed. The Petition of Geo. Wheeler, for pardon, was taken up and read—whereupon, on motion of Mr. Butler, *Ordered*, that said petition be dismissed. The Petition of Noah White, for pardon, was taken up and read—whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed. The Petition of John Wilson, for pardon, was taken up and read—whereupon, on motion of Mr. Dana, *Ordered*, that said petition be dismissed. The Petition of Tho. Waters, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of Tho. Williams for pardon, wastakenupand read—whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed. The Petition of Joab Jennes, for pardon, was taken up and read—whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

The petition of Alfred Prentice, a convict in the State prison, for pardon, was taken up & read. Whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The Petition of the Rev. Justin Parsons, praying for pardon for having solemnized marriage contrary to law, was taken up and read—and the question was put, "Shall a pardon be granted the said Justin Parsons ?" which was determined in the affirmative.

The Petition of the Rev. Luther P. Blodgett, praying for pardon for having solemnized marriage contrary to law, was taken up and read—

and the question was put, " Shall a pardon be granted the said Blodgett?" which was determined in the affirmative.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act discontinuing a certain road therein mentioned"—which was read – whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of David Edmond, " which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay Heman Robinson the sum therein mentioned, " which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the town of Wenlock"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the four bills above mentioned.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act altering the name of Ephraim Hibbard to that of Ephraim Blood"—which was read—and on motion, *Ordered*, that said bill be committed to Messrs. Wetmore & Phelps, to consider & report thereon.

Also, "an act for the relief of Jeremiah Morrill," which was read—whereupon, *Resolved* to non-concur in passing this bill, and Mr. Wetmore was appointed to report reasons &c.

Also, "an act laying a tax of four cents per acre on the township of Newbury in the County of Orange," which was read—and on motion, *Ordered*, that said bill be referred to the land tax Comee to consider & report thereon.

The House sent up the Governor's message of the 15th inst. transmitting Resolutions from New-Hampshire & Illinois ; with an order of the House thereon that the comee to whom the same had been referred be discharged from the farther consideration thereof, and that the same be referred to the comee on the Ohio Resolutions. Whereupon, *Resolved* to concur in said order.

Received from the House the Petition of the Waltham Turnpike Co. with an order of the House thereon that the same be referred to the T. pike Comee. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of Tho. Kimball, with an order of the House thereon that the same be referred to the Comee of Claims. Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act directing the Treasurer to pay Truman Squire the sum therein mentioned," with an order of the House thereon that the same be referred to the Comee of Claims. Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act to preserve the fish in the waters in the County of Washington," with an order of the House thereon that the same be referred to the comee on the petition of the inhabitants of Sherburne. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of the Passumpsic Turnpike Co. with an order of the House thereon that the same be referred to the Turnpike Comee. Whereupon, *Resolved* to concur in said order of reference.

Adjourned to 9 o'Clock to-morrow morning.

THURSDAY Oct. 25, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit:

" IN GENL. ASSEMBLY Oct. 24, 1821.

Resolved, the Governor & Council concurring herein, that the Comee of Ways & Means be instructed to enquire into the expediency of passing a law altering the sum on the grand list upon which any town is

freed from state taxes when they send no representative to the General Assembly, and report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

Received from the House the Petition of Ephraim Blake, with an order of the House thereon that the same be referred to a com^ee^ of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference. Also, Received a communication from the Aud^r^ of Acc^ts^ against the State, made in obedience of a resolution of the 20 inst. with an order of the House thereon that the same be referred to the Fee bill committee. Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act establishing & incorporating an Academy in Hartland," with an order of the House thereon that the same be referred to the Com^ee^ on the Petition of Elihu Luce & others. Whereupon, *Resolved* to concur in said order of reference.

The Petition of Simeon Walker, a convict in the State prison, for pardon, was taken up & read—and on motion of M^r^ Olin, the question was put, "Shall a pardon be granted the said Simeon Walker, upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative—Yeas 9, Nays 2. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Leland, Olin, Stanley, Warner & Wetmore. Those who voted in the negative are, Messrs. Dana & Pratt.

M^r^ Wetmore, who was appointed yesterday for that purpose, reported the following reasons for non concurring in passing the bill entitled "an act for the relief of Jeremiah Morrill," to wit:

"The President, Directors & Co. of the Coos bank have commenced their action against Samuel Sumner & al. returnable to the Circuit Court of the 2^d^ Circuit, which action is now pending in said Court, & founded on a gaol bond, admitting said Sumner to the liberties of the gaol yard in Franklin Co. alleging an escape. The Defts. have pleaded in bar the act entitled "an act for the relief of Samuel Sumner," passed Oct. 22, 1818. The Gov. & Council are advised that the constitutionality of the "act for the relief of Samuel Sumner" will probably be decided by the Circuit Court before the next session of the Legislature. Therefore it is inexpedient at this time to pass the bill for the relief of Jeremiah Morrill."

Read & adopted, and *Ordered*, that the Secretary return the bill to the House, with the above reasons for non concurrence.

Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Gov. & Council met agreeably to adjournment.

The Governor & Council attended in the House of Representatives to make farther appointments of County officers—and the joint Com^ee^ after proceeding therein adjourned to Thursday next; and the Gov. & Council returned to their chamber.

The House sent up the following resolution for concurrence, to wit:

"In Gen^l^ Assembly Oct. 25, 1821.

Resolved, the Gov. & Council concurring herein, that the two houses meet in joint Com^ee^ in the representatives' room, at two o'clock to morrow afternoon, for the purpose of electing a Chief Judge of the Supreme Court for the year ensuing, in the place of the Hon. Dudley Chase, who declines accepting said office," which was read. Whereupon, *Resolved* to concur in passing this resolution. *Ordered*, that the Sec^y^ notify the House accordingly.

The House sent up the following resolution for concurrence, to wit:

"In Gen^l^ Assembly Oct. 25, 1821.

Resolved, that the Com^ee^ raised on the petition of the inhabitants of Sherburne be instructed to enquire into the expediency of passing a

general law on the subject referred to them by said petition." Which was read—whereupon, *Resolved* to concur in passing said resolution.

Received from the House a bill entitled "an act directing the State's Attorney for Bennington County to stay proceedings against Roswell Ford," with an order of the House thereon that the same be referred to the Com^ee of Ways & Means. Whereupon, *Resolved* to concur in said order of reference. Also, Received the Petition of Josiah Morse, with an order of the House thereon that the same be referred to the Com^ee of Claims. Whereupon, *Resolved* to concur in said order of reference. Also, Received a bill entitled "an act laying a tax of three cents p^r. acre on the town of Moretown," and a petition from sundry proprietors of Johnson, with an order of the House on each that the same be referred to the land tax Com^ee. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of David Carr"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Cromwell Bowen the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of two cents five mills per acre on the town of Sutton," which was read—whereupon, *Resolved* to concur in passing this bill.

Also, "an act for the relief of Nath^l. Waldron Jr." which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of John Frye," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of three cents per acre on the lands of the town of Albany," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of the Windham Turnpike Company," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the seven bills last mentioned.

Also, "an act for the relief of Nathan Gibbs," which was read & ordered to lie on the table. Also, "an act for the relief of Nath^l. Blood," which was read & ordered to lie on the table. Also, "an act altering the names of Hewes Hogg, W^m. Hogg & Samuel Hogg to Hewes Dana, W^m. Dana & Samuel Dana"—which was read & committed to M^r. Dana to consider & report thereon.

Adjourned to 9 o'Clock to-morrow morning.

FRIDAY Oct. 26, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The Council took up the bill entitled "an act for the relief of Nathan Gibbs," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Nath^l. Blood," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the two bills last mentioned.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L. ASSEMBLY Oct. 25, 1821.

Resolved, the Gov. & Council concurring herein, that both houses meet in joint com^ee in the Representatives' room, at 2 o'clock to-morrow afternoon, to fill the vacancies occasioned by the resignation of Brig. Gen^l. Jonas Mann, of the first Brigade & first Division—and Brig. Gen^l. Asaph Fletcher Jr. of the second Brigade in the first Division — and Brig. Gen^l. John Peck of the second Brigade & third Division: and also to elect a Surveyor General for the year ensuing;" which was read

—whereupon, *Resolved*, to concur in passing said resolution. *Ordered*, that the Sec^{y} notify the House accordingly.

Received from the House the resolution of the 17th inst. instructing the Military Com^{ee} on the subject of rank &c. with an order of the House thereon that the same be re-committed. Whereupon, *Resolved* to concur in said order. Also, Received a bill entitled "an act to repeal the 1st Sec. of an act therein mentioned," and "an act in addition to an act relating to jails & jailers" &c. with an order of the House on each that the same be referred to the Judiciary Com^{ee}. Whereupon, *Resolved* to concur in said orders of reference. Also, Received a bill entitled "an act to pay William Williams the sum therein mentioned," and the Petition of Reuben Jones, with an order of the House on each that the same be referred to the Com^{ee} of Claims. Whereupon, *Resolved* to concur in said orders of reference. Also, The Petition of Elijah Southard, with an order of the House thereon that the same be referred to the Com^{ee} of Claims — whereupon, *Resolved* to concur in said order, with an amendment that the same be referred to the Com^{ee} of Insolvency instead of the Com^{ee} of Claims.

The Petition of Ebenezer Flint, a convict in the State prison, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted the said Eben$^{r.}$ Flint?" which was determined in the affirmative—yeas 12, Nay 0. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Phelps, Pratt, Stanley, Warner & Wetmore.

M$^{r.}$ Wetmore, to whom was yesterday committed the bill entitled "an act altering the names of Hewes Hogg, William Hogg and Samuel Hogg to Hewes Dana, William Dana & Samuel Dana," reported the same with amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that M$^{r.}$ Wetmore be appointed to report reasons for said amendments, who forthwith reported the following, to wit: "The amendments render the bill certain what name each is to take" — which was read & adopted, and *Ordered*, that the Secretary return the bill as amended, with the reasons aforesaid, and request the concurrence of the House.

The House sent up the following resolution for concurrence, to wit:

"In Gen$^{L.}$ Assembly Oct. 26, 1821.

Resolved, the Gov. & Council concurring herein, that both houses meet in joint com^{ee} in the representatives' room, at two o'clock this afternoon, for the purpose of electing three members of the corporation of the University of Vermont," which was read. Whereupon, *Resolved* to concur in passing this resolution—and *Ordered*, that the Sec$^{y.}$ notify the House accordingly.

Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Gov. & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit:

"In Gen$^{L.}$ Assembly Oct. 26, 1821.

Resolved, the Gov. & Council concurring herein, that both houses meet in the Representatives' room, at two o'clock this afternoon, for the purpose of electing three directors of the Vermont State bank," which was read—whereupon, *Resolved* to concur in passing this resolution, and *Ordered*, that the Sec'y notify the House accordingly.

The Gov. & Council attended in the House of Representatives for the purpose of making sundry appointments, after which they returned to the Council Chamber.[1]

[1] The elections were, Cornelius P. Van Ness, Chief Judge of the Supreme Court; Jona. Hunt jr. and Prentice Sabin, Brigadier Generals;

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act directing the Treasurer to pay John H. Cotton the sum therein mentioned;" which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act to designate the name of the Rifle Company in the town of Hartland in the County of Windsor," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to and amendment of an act entitled 'an act laying a tax of three cents per acre on Montgomery," passed Nov. 7, 1820,"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Joseph B. Danforth of Barnard" — which was read — whereupon, *Resolved* to concur in passing this bill. Also, "an act establishing a Rifle Company in the town of Enosburgh in the County of Franklin," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the township of Newbury in the County of Orange," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the house of the passage of the 6 last mentioned bills.

Also, "an act for the relief of Thomas Stanton," which was read, and referred to the Com^ee^ of Insolvency to consider & report thereon. Also, "an act freeing the body of Charles Preston from arrest or imprisonment for the term of five years," with an order of the House thereon that the same be referred to the Com^ee^ of Insolvency. Whereupon, *Resolved* to concur in said order of reference. Also, "an act for the relief of Lyman King," which was read, & ordered to lie on the table.

Received from the House a bill entitled "an act more effectually to prevent intemperance," with an order of the House thereon that the same be referred to the Judiciary Com^ee.^ Whereupon, *Resolved* to concur in said order of reference. Also, " an act to remedy a mistake in an act granting a tax of three cents per acre on the town of Vershire in the Co. of Orange, with an order of the House thereon that the same be referred to the land tax Com^ee.^ Whereupon, *Resolved* to concur in said order of reference. Also, "an act to equalize the taxing of costs in suits on gaol bond," with an order of the House thereon that the same be referred to the Fee bill Com^ee.^ Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of sundry inhabitants of Randolph, Royalton, Bethel & Tunbridge, from the last session, with an order of the House thereon that the same be referred to a Com^ee^ of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r.^ Chittenden was appointed from Council.

On motion of M^r.^ Wetmore, the vote committing two petitions from sundry inhabitants of Coit's Gore, Belvidere & Cambridge was re-considered—and *Ordered* that said petitions be referred to the com^ee^ on the petition of sundry inhabitants of Danby.

Received from the House a bill in alteration of the act defining the powers of Justices of the peace &c. with an order of the House thereon that the same be referred to a committee consisting of a member from each County, to join from Council. Whereupon, *Resolved* to concur in said order of reference—and the Lt. Gov. Messrs. Dana & Pratt were appointed from Council.

Adjourned to 9 o'Clock to-morrow morning.

Joseph Beman, Surveyor General; Wm. A. Griswold, Seth Wetmore, and Joel Clapp, Trustees U. V. M.; Benjamin Swan, Thos. Hammond, and Job Lyman, Directors of Vt. State Bank.

SATURDAY Oct. 27, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Received a communication from the Speaker of the House, informing that the House have concurred in the amendments to the bill entitled "an act altering the names of Hewes Hogg, William Hogg, & Sam[l] Hogg, to Hewes Dana, W[m.] Dana & Sam[l] Dana," proposed by the Gov. & Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Claudius Brittol and others," which was read and ordered to lie on the table.

The Lt. Gov. to whom was committed the petition of sundry military officers in the towns of Roxbury, Warren, Waitsfield, Fayston & Moretown, made report that the same ought to be referred to the next session of the Gov. & Council, which was read. Whereupon, *Ordered* that said petition be referred to the next session of the Gov. & Council.

The Petition of Elias Hildreth, a convict in the State prison, for pardon, was taken up and read, and on motion of M[r.] Andrus the question was put, "Shall a pardon be granted the said Elias Hildreth, upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative—Yeas 11, Nays 0. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Chittenden, Leland, Olin, Phelps, Pratt, Stanley, Warner & Wetmore.

M[r.] Phelps, from the com[ee] to whom was referred the bill entitled "an act altering the name of Ephraim Hibbard to that of Ephraim Blood," reported the same with an amendment, by adding a *Proviso* thereto—which was read & adopted—whereupon, *Resolved* to concur in passing said bill with the amendment. M[r.] Phelps was appointed to report the reasons of Council for said amendment; who forthwith reported the following to wit: "It renders certain to what extent the said heirs shall inherit"—which was read & adopted, and *Ordered*, that the Sec'y return said bill as amended, together with said reasons, to the House of Representatives, and request their concurrence in the amendment.

The Petition of David O. Gould, for pardon, was taken up and read—whereupon, on motion of M[r.] Olin, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'Clock P. M.

2 o'CLOCK P. M.—The Governor & Council met pursuant to adjournment.

Received from the House a bill entitled "an act in addition to an act regulating appeals from Justices of the Peace," with an order of the House thereon that the same be referred to the com[ee] to whom was referred the bill to increase the jurisdiction of Justices of the peace—whereupon, *Resolved* to concur in said order of reference. Also, "an act declaring the Academy in Thetford to be a County Grammar School in the County of Orange, and for other purposes," with an order of the House thereon, that the same be referred to a Com[ee] of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and M[r.] Leland was appointed from Council. Also, "an act providing for the State printing," with an order of the House thereon that the same be referred to the Com[ee] on the resolution relative to printing the first constitution of this State &c.— whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit:

"IN GEN[L.] ASSEMBLY Oct. 27, 1821.

Resolved, the Gov. & Council concurring herein, that the Com[ee] of Ways & Means be instructed to enquire into the expediency of authoriz-

ing the Superintendent of the State prison to borrow of the banks in this State, and on credit of the State, a sum not exceeding five thousand dollars, for the purpose of purchasing stock & materials for manufactures in said prison, and also to enquire into the expediency of taxing visitors to said prison a certain sum ; and to report by bill or otherwise." Which was read—whereupon, *Resolved* to concur in passing said resolution.

Received a communication from the Speaker, informing that the House have concurred in the amendment proposed by the Gov. & Council to the bill entitled "an act altering the name of Ephraim Hibbard to that of Ephraim Blood."

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act discharging Aaron Mosher from a Judgment therein mentioned," which was read and ordered to lie on the table. Received from the House a bill entitled "an act laying a tax of three cents per acre on Parker's Gore," with an order of the House thereon that the same be referred to the land tax Com^ee. Whereupon, *Resolved*, to concur in said order of reference. Also, "an act directing the Sherifi of Windsor Co. to discharge part of an Execution therein named," with an order of the House that the same be referred to the Com^ee of Ways & Means. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act authorizing the Town Clerk of the town of Whiting to transcribe certain records, and giving validity to the same," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act to discontinue a certain road therein mentioned" (in Orange,) which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay Sophia Hall the sum therein mentioned"—which was read—whereupon *Resolved* to concur in passing this bill. Also, "an act laying a tax of two cents per acre on the town of Parkerstown," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Conrade Sax the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to and alteration of an act appointing a committee to lay out and survey a road from Chelsea Turnpike near Watson's mills in Barre, through the towns of Orange, Topsham, Corinth & Bradford in the County of Orange, passed Oct. 28 1820," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to credit Edward C. Spalding of the town of Lemington the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a committee to resurvey and alter a certain road therein mentioned" (in Hartland,) which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of four cents per acre on the town of Brookline," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the nine bills last mentioned.

Adjourned to Monday morning next, at 9 o'Clock A. M.

MONDAY Oct. 29, 1821. 9 o'Clock A. M.

The Governor & Council met according to adjournment.

M^r. Phelps introduced the following resolutions, viz.

IN COUNCIL Oct. 29, 1821.

Resolved, that the Secretary be authorized to procure three setts of copies of the Journals of the House of Representatives, and of the laws

of this State, which shall be hereafter published, and procure them bound for the use of the Council.

Resolved, that the Secretary be authorized to procure one sett of the Journals & laws of the Gen^l. Assembly heretofore published to be bound in suitable volumes for the use of the Council.

Resolved, that the books deposited for the use of the Council be committed to the care of the Secretary, to be properly arranged & safely kept by him in due order for the Council's use."

Which were severally read & adopted.

Received from the House the Petition of Alexander Campbell, with an order of the House thereon that the same be re-committed to the Com^ee of New Trials, whereupon, *Resolved* to concur in said order of re-commitment. Also, The Petition of Roswell Hunt, and the bill entitled "an act for the relief of Jer. Morrill," (which was non concurred by the Gov. & C. on the 24 inst.) with an order of the House on each that the same be referred to the Com^ee of Insolvency. Whereupon, *Resolved* to concur in said orders of reference.

The House returned the petitions of Coit's Gore, Belvidere & Cambridge, they having concurred in the order of Council of the 26 inst. referring them to the Com^ee on the Petition of sundry inhabitants of Danby.

The House returned the communication of the Gov. of the 27 inst. enclosing a letter of M. Carey & Sons of Philadelphia, relative to Military Institutes, with an order of the House thereon that the same be referred to the Military Committee. Whereupon, *Resolved* to concur in said order of reference.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met pursuant to adjournment.

The House sent up the following resolution for concurrence, to wit:

"In Gen^l. Assembly, Oct. 29, 1821.

Resolved, the Gov. & Council concurring herein, that the Com^ee of Agriculture be instructed to enquire into the expediency of appropriating a sum of money annually to each County in this State, for the encouragement of agriculture; and report by bill or otherwise." Which was read — whereupon, *Resolved* to concur in passing this resolution.

The House also sent up the following resolution for concurrence, to wit:

"In Gen^l. Assembly Oct. 27, 1821.

Resolved, that a committee consisting of a member from each County be appointed to join from Council, to take into consideration the expediency of appropriating the property of the Vermont State bank for the support of common schools, and report by bill or otherwise." Which was read — whereupon, *Resolved* to concur in passing said resolution — and M^r. Butler was appointed from Council.

The House also sent up the following resolution for concurrence, to wit:

"In Gen^l. Assembly Oct. 29, 1821.

Resolved, the Gov. & Council concurring herein, that the Com^ee raised by the resolution introduced by M^r. Haight, respecting the property of the State bank, be instructed further to enquire into the expediency of appropriating the property of said bank for the purpose of founding an asylum for the education of the deaf & dumb in this State; and that they report by bill or otherwise." Which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit:

"In Gen^{L} Assembly Oct. 27, 1821.

Resolved, that so much of his Excellency's speech as relates to the act dividing the State into districts for electing representatives to Congress be referred to a committee consisting of four members of this House to join from Council," which was read. Whereupon, *Resolved* to concur in passing said resolution—and M$^{r.}$ Leland was appointed from Council.

Received from the House a bill entitled "an act directing the mode of warning a proprietors' meeting in Arlington," and a bill entitled "an act directing the mode of warning proprietors' meetings in Green & Moulton's Grant," with an order on each that the same be referred to a com^{ee} of 2 to join from Council, whereupon, *Resolved* to concur in said orders of reference, and M$^{r.}$ Pratt was appointed from Council. Also, "an act directing the Treasurer to pay Norman Williams the sum therein mentioned," and "an act directing the Treasurer to pay Aaron Mosher the sum therein mentioned," with an order of the House on each that the same be referred to the Com^{ee} of Claims, whereupon, *Resolved* to concur in said orders of reference.

M$^{r.}$ Wetmore called up the engrossed bill entitled "an act for the relief of Lyman King," which was read,—whereupon, on motion of M$^{r.}$ Wetmore, *Resolved* to non concur in passing said bill—and M$^{r.}$ Wetmore was appointed to report reasons for non concurrence ; who reported the following, to wit : "the same as those assigned for non concurring in passing the bill entitled "an act for the relief of Jer. Morrill" — which was read & adopted, and *Ordered*, that the Secretary return said bill with the reasons afores$^{d.}$ to the House of Representatives.

M$^{r.}$ Wetmore called up the engrossed bill entitled "an act for the relief of Claudius Brittol & others," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act discharging Aaron Mosher from a Judgment therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the two last mentioned bills.

Adjourned to 9 o'Clock to-morrow morning.

Tuesday Oct. 30, 1821. 9 o'Clock A. M.

The Governor & Council met according to adjournment.

The House returned the communication sent by the Gov. on the 29 inst. informing that Samuel Elliot Esq. declines the office of Judge of Windham County Court, with an order of the House thereon that the same be referred to the County Convention of Windham County. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act directing the Treasurer to pay Elihu De Forest the sum therein mentioned." and a bill entitled "an act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," with an order on each that the same be referred to the Com^{ee} of Claims. Whereupon, *Resolved* to concur in said orders of reference. Also, "an act in addition to an act entitled an act regulating & governing the militia of this State," with an order of the House thereon that the same be referred to the Military Com$^{ee.}$ Whereupon, *Resolved* to concur in said order of reference.

The Petition of Thomas Hendlen, for pardon, was taken up and read —whereupon, on motion of M$^{r.}$ Leland, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Gov. & Council met agreeably to adjournment.

Hon. Joseph Berry, a member of Council, appeared, was sworn, and took his seat.

Received from the House a bill entitled "an act in amendment of an act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways," with an order of the House thereon that the same be referred to the com^ee^ raised by the resolution relative to assessing taxes. Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act in addition to an act entitled an act defining what shall be deemed & adjudged a legal settlement," &c. with an order of the House thereon that the same be referred to the Judiciary Com^ee^. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act laying a tax of three cents per acre on the township of Moretown," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act appointing a collector of the State tax on the town of Derby for the year A. D. 1820," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act to repeal an act entitled 'an act appointing a committee to lay out & survey a road from Randolph west village to the turnpike in Hancock near Butts' bridge,' passed Nov. 7, A. D. 1818," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Cyrus Clement," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax of three cents per acre on the town of Johnson," which was read.—whereupon, *Resolved* to concur in passing this bill. Also, "an act to remedy a mistake in an act granting a tax of three cents per acre on the town of Vershire in the County of Orange, passed Oct. 9, A. D. 1819," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act establishing & incorporating an Academy in Hartland," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of John M. Jewell," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the eight last mentioned bills.

Also, "an act appropriating the avails of the ministerial lands in the town of Chittenden for the benefit of common schools"—which was read, whereupon, on motion of M^r^ Phelps, *Resolved* to non concur in passing this bill—and M^r^ Phelps was appointed to report reasons.

Received from the House a bill entitled "an act in addition to an act regulating & governing the militia of this State," with an order of the House thereon that the same be referred to the Military Com^ee^. Whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Oct. 30, 1821.

Resolved, the Governor & Council concurring herein, that the Judiciary Com^ee^ be instructed to enquire into the expediency of providing by law for proposing to the people of this State the question, whether they will authorize the Convention to be holden in February next, for the purpose of adopting certain proposed amendments to the Constitution, to abolish the 43^d^ Sec. of the Constitution of this State; & report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

Received from the House the Petition of Silas Hathaway, with an order of the House thereon that the same be re-committed to the Com^ee^ of New Trials, with instructions to report the facts in the case, whereupon, *Resolved* to concur in said order.

Adjourned to 9 o'Clock to-morrow morning.

WEDNESDAY Oct. 31, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act directing the Treasurer to pay the several Clerks of the Supreme & County Courts the sums therein mentioned," with an order of the House thereon that the same be referred to the Fee bill Committee—whereupon, *Resolved* to concur in said order of reference.

Mr. Phelps reported the following reasons for non concurring in the bill entitled "an act appropriating the avails of the ministerial lands in the town of Chittenden for the benefit of common schools," to wit: "By the charter of said town, said lands when located shall, together with their improvements, rights, rents, profits, dues & interests, remain inalienably appropriated to the uses & purposes for which they are respectively assigned, and be under the charge, direction & disposal of the inhabitants of said township forever. The legislature, by an act passed Nov. 3, 1798, entitled 'an act empowering the selectmen in the several towns in this State to take charge of and lease out the lands granted to the first settled minister, and to the use of the ministry," conformably with the provisions of the charter, empowered the selectmen of said town to direct the avails of said lands to the use of the ministry in said town. And that the lands might be made productive to the uses originally designed by the charter, the legislature, on the 10th Nov. 1803, passed an additional law respecting the lands. And it is conceived the provisions of the present bill are incompetent to stand with the provisions of the existing laws on the same subject; and that the bill is inconsistent with the provisions of the charter." Which was read and adopted—and *Ordered*, that the Secretary return the bill, with the reasons aforesaid, to the House of Representatives.

Adjourned to 2 o'Clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act for the relief of Geo. Warner," with an order of the House thereon that the same be referred to the Comee of Ways & Means, whereupon, *Resolved* to concur in said order of reference. Also, "an act for the relief of Henry Benson and others," with an order of the House thereon that the same be referred to the Comee of Claims, whereupon, *Resolved* to concur in said order of reference. Also, "an act laying a tax on the town of Braintree," with an order of the House thereon that the same be referred to the land tax Comee. Whereupon, *Resolved* to concur in said order of reference.

The Petition of Joshua N. Rollins, for pardon, was presented and read,—whereupon, on motion of Mr. Leland, *Ordered*, that said petition be dismissed.

Received from the House a bill entitled "an act in addition to an act entitled an act incorporating the President, Directors & Co. of the Bank of Burlington," with an order of the House thereon that the same be referred to the Judiciary Comee. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act making further provisions in the Judiciary department, and for repealing certain acts and parts of acts therein mentioned"—which was read, and *Ordered*, that said bill lie on the table & be made the order of the day for to-morrow morning. Also, "an act directing the Sheriff of Windsor County to discharge part of an Execution therein named"—which was read, and on motion of Mr. Leland, *Ordered*, that counsel be admitted to advocate this bill; & the bill ordered to lie on the table. Adjourned to 9 o'Clock to-morrow morning.

THURSDAY Nov. 1, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House the Petition of the Corporation of the University of Vermont, with an order of the House thereon that the same be re-committed, with instructions to report the facts. Whereupon, *Resolved* to concur in said order of re-commitment. Also, a bill entitled "an act directing the Treasurer to pay David G. M^cClure the sum therein mentioned," and "an act directing the Treasurer to credit Almon Warner, adm^r. of the estate of J. Q. M^cFarland, the sum therein mentioned"—with an order of the House on each that the same be referred to the Com^ee of Claims. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act annexing the town of Elmore in the County of Orleans to the County of Washington," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Hezekiah Fitch," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act assessing a tax on the County of Franklin," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the three last mentioned bills.

The House also sent up for revision &c. an engrossed bill entitled "an act to incorporate certain persons by the name of the Bellows Falls Aqueduct Company"—which was read. M^r. Olin moved to amend the bill by striking out the 4^th Section—and the question being put was carried in the affirmative. Whereupon, *Resolved* to concur in passing said bill as amended. M^r. Olin was appointed to return the bill to the House & assign the reasons of the Gov. & Council for said amendment, & request the concurrence of the House.

The Council took up the bill entitled "an act making further provisions in the Judiciary department, and for repealing certain acts and parts of acts therein mentioned," which was laid on the table yesterday & made the order for to-day, and the bill was again read. Whereupon, *Resolved*, to concur in passing this bill. *Ordered* that the Secretary notify the House accordingly.

Adjourned to 2 o'Clock P. M.

2 o'CLOCK P. M.—The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act in addition to an act making further provisions in the Judiciary department," and "an act in addition to an act directing the mode of process against the Trustees of concealed or absconding debtors, and repealing a certain act therein mentioned," with an order of the House on each that the same be referred to the Judiciary Com^ee. Whereupon, *Resolved* to concur in said orders of reference.

The Gov. & Council attended in the House of Representatives to make farther appointments of County officers, and a Brig. Gen^l.—and the joint Com^ee, after proceeding therein, adjourned to Monday next, and the Gov. & Council returned to their Chamber.[1]

Adjourned to 9 O'clock to-morrow morning.

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[1] Zadock Coleman was elected Brigadier General.

FRIDAY Nov. 2, 1821. 9 'oClock A. M.

The Gov. & Council met agreeably to adjournment.

Received from the House a bill entitled "an act for the relief of James Bucklin," with an order of the House thereon that the same be referred to the Com^ee of Insolvency. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act making further provision for opening new highways" —which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

The Gov. & Council resumed the consideration of the bill entitled "an act directing the Sheriff of Windsor County to discharge part of an Execution therein named." Agreeably to the order of the 31 ult. M^r. Thompson was admitted as counsel, who advocated the passage of the bill. M^r. Leland moved to add a *Proviso*, by way of amendment to the bill ; which was read & adopted and the bill ordered to lie on the table.

Adjourned to 2 o'Clock P. M.

2 o'CLOCK P. M.—The Gov. & Council met agreeably to adjournment; and resumed the consideration of the bill entitled "an act directing the Sheriff of Windsor County to discharge part of an Execution therein named,"—whereupon, *Resolved* to concur in passing said bill as amended —Yeas 8, Nays 5. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Berry, Leland, Phelps, Pratt, Stanley & Wetmore. Those who voted in the negative are, Messrs. Butler, Chittenden, Dana, Olin & Warner. *Ordered*, that said bill as amended be transmitted to the House by M^r. Leland, who is appointed to assign the reasons of Council, & request the concurrence of the House to said amendment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to incorporate an Aqueduct Company in the town of Burlington"—which was read and *Ordered* to lie on the table. Also, "an act declaring the Academy in Thetford to be a County Grammar School in the County of Orange, and for other purposes"—which was read & *Ordered* to lie on the table. Also, "an act directing the Treasurer to pay Truman Squires the sum therein mentioned"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Thomas Kimball the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the two last mentioned bills.

Received from the House the bill entitled "an act in alteration of an act entitled an act defining the powers of Justices of the Peace within this State," and the report of the com^ee thereon adverse to the passage of said bill, with an order of the House that the bill be referred to the com^ee raised by the resolution relative to the appropriating the property of the Vermont State Bank to the use of schools. Whereupon, *Resolved* to concur in said order of reference. Also, "an act in addition to an act entitled an act relating to pounds, estrays & lost goods" — with an order of the House thereon that the same be referred to the Com^ee of Ways & Means. Whereupon, *Resolved* to concur in said order of reference. Also, "an act directing the Treasurer to pay Norman Williams the sum therein mentioned"—and "an act directing the Treasurer to pay Sam^l Vial the sum therein mentioned"—with an order of the House on each that the same be referred to the Com^ee of Claims. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up for revision & concurrence &c. an engrossed bill

entitled "an act appointing a Collector for the town of Rockingham"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of the Missisque bridge Company"—which was read. Whereupon, *Resolved* to concur in passing this bill.

Adjourned to 9 o'Clock to-morrow morning.

SATURDAY Nov. 3, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the punishment of certain inferior crimes & misdemeanors"—which was read, and *Ordered*, that said bill be referred to Messrs. Wetmore, Pratt & Chittenden, to consider & report thereon. Also, "an act to incorporate the President, Directors and Company of the Bank of Brattleboro'"—which was read, and *Ordered* that said bill be referred to Messrs. Phelps & Berry to consider & report thereon.

The Council resumed the consideration of the bill entitled "an act declaring the Academy in Thetford to be a County Grammar School in the County of Orange, and for other purposes"—which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Received from the House a bill entitled "an act to enforce the collection of the cent tax for the support of schools" and "an act in addition to an act entitled an act for the support of schools & the several acts in addition thereto," with an order of the House on each that the same be referred to the Com^ee^ raised by the resolution of the 19 Oct. on the subject of schools. Whereupon, *Resolved* to concur in said order of reference. Also, "an act more effectually to prevent intemperance," with an order of the House thereon that the same be referred to a com^ee^ of 6 to join from Council. Whereupon *Resolved* to concur in said order of reference, and M^r^ Leland was appointed from Council.

M^r^ Olin introduced the following resolution, to wit;

Resolved, that the com^ee^ to whom was referred the bill entitled "an act for the punishment of certain inferior crimes & misdemeanors" be directed to inquire into the expediency of providing by law for requiring surety to keep the peace in certain cases, and report with said bill—which was read & adopted.

Received from the House a bill entitled "an act to incorporate an aqueduct society in Manchester," with an order of the House thereon that the same be referred to a com^ee^ of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference—and M^r^ Pratt was appointed from Council.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L^ ASSEMBLY Nov. 3, 1821.

Resolved, the Gov. & Council concurring herein, that the Judiciary Com^ee^ be instructed to enquire into the expediency of reporting a bill, making it the duty of Justices of the peace, in signing writs, to take good & sufficient security, by way of recognizance, which shall live within this State, at the time of signing such writ or process"—which was read—whereupon, *Resolved* to concur in passing said resolution.

Received a communication from the Speaker of the House of Representatives informing the Gov. & Council that the House have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act directing the Sheriff of Windsor County to discharge part of an Execution therein named."

On motion of Mr. Olin, the Council resumed the consideration of the bill entitled "an act to incorporate an aqueduct company in the town of Burlington"—which was again read. Mr. Olin moved two amendments to said bill, which were successively read & adopted—whereupon, *Resolved* to concur in passing said bill with the amendments. Mr. Olin was appointed to report reasons for said amendments; who forthwith reported the following, viz. "The first amendment will give the company the same rights with individuals, as to the Justice of the Peace before whom trials may be had. The Proviso is intended to confine the company strictly to the object of the incorporation"—which were read and adopted, and *Ordered*, that the Secretary return said bill as amended, with the reasons afores[d], to the House of Representatives, and request their concurrence.

Adjourned to 2 o'Clock P. M.

2 O'Clock P. M.—The Gov. & Council met according to adjournment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act repealing [part of] an act therein mentioned" (regulating the practice of Physic & Surgery,) which was read. Whereupon, on motion of Mr. Olin, *Resolved* to non concur in passing said bill—Yeas 7, Nays 5. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Berry, Olin, Phelps, Stanley & Wetmore. Those who voted in the negative are, Messrs. Chittenden, Dana, Leland, Pratt & Warner. Mr. Olin was appointed to report reasons for non concurrence, who forthwith reported the following, viz. "The Council are not advised of any case where an act that has expired by its own limitations has been revived by repealing the restrictive part; and as doubts exist what the effect may be, the Council consider it improper to pass a law the effect of which may be so doubtful"—which was read and adopted, and *Ordered*, that the Secretary return said bill, with said reasons for non concurrence, to the House.

Mr. Phelps from the Com[ee] to whom was referred the bill entitled "an act to incorporate the President, Directors & Co. of the Bank of Brattleboro'" reported the same without amendment. Whereupon, on motion of Mr. Dana, *Ordered*, that said bill lie and be made the order of the day for Monday next, P. M.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Moses Myers"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

The House also sent up for revision &c. "an act in addition to an act entitled an act annexing the town of Elmore in the County of Orleans to the County of Washington," which was read—whereupon, on motion of Mr. Olin, *Ordered* that said bill lie on the table. Also, "an act repealing part of an act therein mentioned" (road from Newbury to Berkshire,) which was read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said bill lie on the table. Also, "an act freeing the body of Samuel Beardsley from arrest & imprisonment for the term of five years"—which was read. Mr. Wetmore moved amendments to the bill, which was [were] read and adopted—whereupon, *Resolved* to concur in passing this bill with the amendments. Mr. Wetmore was appointed to report reasons for the proposed amendments.

Received from the House a bill entitled "an act directing the Treasurer to pay Elihu De Forest the sum therein mentioned," with an order of the House thereon that the same be re-committed to the Committee of Claims. Whereupon, *Resolved* to concur in said order of re-commitment.

Also, "an act for the relief of Samuel Carr" with an order of the House thereon that the same be referred to the Com^ee^ of Insolvency. Whereupon, *Resolved* to concur in said order of reference. Also, "an act assessing a tax on the County of Windham" with an order of the House thereon that the same be referred to the members from Windham County, to join from Council. Whereupon, *Resolved* to concur in said order of reference.

Adjourned to Monday morning next.

MONDAY Nov. 5, 1821. 9 o'Clock A. M.

The Gov. & Council met agreeably to adjournment.

A communication was received from the Speaker of the House, informing the Gov. & Council that the House have concurred in the amendments proposed by the Gov. & C. to the bill entitled "an act to incorporate an aqueduct company in the town of Burlington."

M^r.^ Wetmore who was appointed on the 3 inst. to report reasons for the proposed amendments to the bill entitled "an act freeing the body of Samuel Beardsley from arrest & imprisonment for the term of five years," reported the following, to wit: "To confine said bill to all debts contracted previous to the same being enacted into a law. Also, to attachments & Executions founded on contract"— which was read & adopted, and *Ordered*, that the Sec^y.^ return said bill as amended and reasons, to the House, & request their concurrence.

M^r.^ Wetmore, from the Com^ee^ to whom was referred the bill entitled "an act for the punishment of certain inferior crimes & misdemeanors," reported the same without amendment—and also, that it is inexpedient to adopt the provision contemplated by the resolution introduced by M^r.^ Olin of the 3 inst. Whereupon, on motion, *Ordered* that said bill be re-committed for amendment.

Received from the House the Petition of the 2^d^ Company of Cavalry, 1 Brig. 2 Div. to be transferred to 2 Reg. in said Brigade, with an order of the House thereon that the same be referred to the Military Com^ee.^ Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of James Whelply, with an order of the House thereon that the same be referred to the Com^ee^ of Claims. Whereupon, *Resolved*, to concur in said order of reference. Also, a bill entitled "an act in addition to an act entitled an act for the relief of certain of the militia of this State, passed Nov. 13, 1819," with an order of the House thereon that the same be referred to the Judiciary Com^ee.^ Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act relating to appeals from Justices of the Peace," with an order of the House thereon that the same be referred to the Com^ee^ raised by the resolution introduced by M^r.^ Haight relative to appropriating the property of the State bank for the use of schools—whereupon, *Resolved* to concur in said order of reference.

The House returned the bill entitled "an act repealing part of an act therein mentioned" (regulating practice of Physic & Surgery, which was non concurred by Gov. & C. on the 3 inst.) with an order of the House thereon that the same be referred to Judiciary Com^ee.^ Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act laying a tax of three cents per acre on Parker's Gore," which was read — whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to credit Almon Warner, administrator of the estate of J. Q. M^c^Farland, the sum therein

mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the two last mentioned bills.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act laying a tax on the County of Essex," with an order of the House thereon that the same be referred to the members from the County of Essex, to join from Council, whereupon, *Resolved* to concur in said order of reference.

The House sent up the communication made by the Gov. to the House this day, agreeably to a resolution of the 2d inst. requesting information from the Quarter Master General's department, with an order of the House thereon that the same be referred to the Military Comee. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act appropriating the rents of the Grammar school lands in Elmore to Washington County Grammar School," with an order of the House thereon that the same be referred to the Comee appointed on the bill appropriating the Grammar school lands in Roxbury. Whereupon, *Resolved* to concur in said order of reference.

On motion of Mr. Wetmore, the Council resumed the consideration of the bill laid on the table on the 3 inst. entitled "an act repealing part of an act therein mentioned" (road from Newbury to Berkshire,) which was again read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

The Governor & Council attended in the House of Representatives for the purpose of making farther County appointments, after which they returned to the Council Chamber.

On motion of Mr. Wetmore, the Council resumed the consideration of the bill entitled "an act to incorporate the President, Directors & Company of the Bank of Brattleboro," which was again read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

On motion of Mr. Wetmore the Council took into consideration the report of the Comee to whom was referred the bill for punishment of inferior crimes, made this morning, on the resolution introduced by Mr. Olin of the 3 inst. on the subject of requiring surety to keep the peace—which report was accepted.

Received from the House a bill entitled "an act establishing a jurisdictional line between Rochester & Bethel," with an order of the House thereon that the same be referred to the Comee on the Petn. of Isaac Odel. Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act in addition to an act entitled an act regulating & governing the militia of this State," with an order of the House thereon that the same be re-committed to the Military Comee. Whereupon, *Resolved* to concur in said order of re-commitment.

Adjourned to 9 o'Clock to-morrow morning.

Tuesday Nov. 6, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

A message was received from the House transmitting the following resolution, to wit:

"In Genl. Assembly Nov. 6, 1821.

Resolved, that the Governor & Council be respectfully requested to attend, in the room of the house of representatives this day, the hearing

of the petition of Silas Hathaway against Heman Allen for a new trial"— Whereupon, *Resolved*, to accept the invitation of the House, and *Ordered*, that the Sec'y inform the House that the Gov. & Council will attend, when informed of the time for hearing said petition.

Received from the House the bill entitled "an act prohibiting the taking of unlawful interest" — with an order of the House thereon that the same be referred to the Com^ee^ on the resolution for appropriating the property of the State bank to the use of schools — whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act to repeal the penal part of an act relating to usury, passed Oct. 23 1797," with an order of the House thereon that the same be referred to the last mentioned Com^ee^. Whereupon, *Resolved* to concur in said order of reference. Also, The Petition of Rufus Campbell, with an order of the House thereon that the same be re-committed to the Com^ee^ of Insolvency. Whereupon, *Resolved* to concur in said order of re-commitment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Henry Benson, Bartholomew Foleg, Giles Talcott & Homer Beach," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Also, "an act directing the Treasurer of this State to pay Reuben Jones the sum therein mentioned," which was read, and *Ordered* to lie on the table.

M^r.^ Wetmore, from the Com^ee^ to whom was referred the bill entitled "an act for the punishment of certain inferior crimes & misdemeanors," reported the same with proposals of amendment—which were read & *Ordered* to lie on the table.

A message was received from the House informing the Gov. & Council that the House are ready to proceed in hearing the petition of Silas Hathaway v. Heman Allen, & requesting the attendance of the Gov. & Council. The Gov. & Council attended accordingly—after which they returned to the Council Chamber.

Adjourned to 2 O'Clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

A message was received from the House informing that they are about to proceed in Hearing the petition of Silas Hathaway v. Heman Allen — whereupon, to enable the Gov. & Council to attend the hearing said petition, adjourned to 9 o'Clock to-morrow morning.

Wednesday Nov. 7, 1821. 9 o'Clock A. M.

The Governor & Council met agreeably to adjournment.

On motion of the Lt. Gov. The Council took up for consideration the bill entitled "an act for the punishment of certain inferior crimes & misdemeanors," with the proposed amendments reported yesterday — and after proceeding therein, *Ordered* that said bill & proposed amendments lie on the table.

A message was received from the House informing the Gov. & Council that they are about to proceed in hearing the Petition of Silas Hathaway v. Heman Allen — whereupon the Gov. & Council attended in the House of Representatives, after which they returned to the Council Chamber.

The Council resumed the consideration of the bill entitled "an act for the punishment of certain inferior crimes & misdemeanors" & the amendments reported yesterday — and the Council having agreed to

propose several amendments to said bill — whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that said bill, with the proposed amendments, be transmitted to the House by Mr. Wetmore, who is appointed to assign the reasons to the House for amending said bill.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M. — The Gov. & Council met according to adjournment.

A communication was received from the Speaker of the House, informing that the House have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act freeing the body of Samuel Beardsley from arrest or imprisonment for the term of five years."

A message was received from the House informing the Gov. & Council that they are about to proceed in hearing the petition of Silas Hathaway v. Heman Allen. Whereupon the Gov. & Council attended in the House of Representatives—after which they returned to the Council Chamber.[1]

The Council took up for consideration the bill entitled "an act in addition to an act entitled an act annexing the town of Elmore in the County of Orleans to the County of Washington," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House accordingly.

Received from the House a bill entitled "an act making further provision for the prosecution of suits against Sheriffs, High Bailiffs & their bail," with an order of the House thereon that the same be referred to the Judiciary Comee. Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act in addition to an act entitled an act regulating & governing the militia of this State," with an order of the House thereon that the same be referred to the Military Comee. Whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit:

"In Genl. Assembly, Nov. 6, 1821.

Resolved, the Gov. & Council concurring herein, that a Committee, consisting of four members from this house to join from Council, be appointed to minutely examine the report of the Auditor of Accounts read in the House yesterday; and that said Comee report to this House as soon as may be whether any, and if any, what items have been allowed by the said Auditor, without the authority of law or custom, and also whether any of the said charges are extravagant or inconsistent with the general economy of this State"—which was read. Whereupon, *Resolved* to concur in passing said resolution, and Mr. Stanley was appointed from Council.

Adjourned to 9 o'Clock to-morrow morning.

Thursday Nov. 8, 1821. 9 o'Clock A. M.

The Gov. & Council met agreeably to adjournment.

On motion of Mr. Olin, The Council resumed the consideration of the bill entitled "an act directing the Treasurer of this State to pay Reu-

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[1] This petition was resisted on the ground that legislative interference in granting new trials is unconstitutional. Hon. Samuel Prentiss took that ground and was replied to by Hon. Bates Turner—the one appearing as counsel for Mr. Allen, and the other for Mr. Hathaway. On the question of rejecting the petition the ayes were 81, and nays 84.—See *North Star* of Nov. 22 1821.

ben Jones the sum therein mentioned," which was again read. Mr. Olin moved an amendment to said bill, which was adopted. Whereupon, *Resolved* to concur in passing said bill with the amendment. Mr. Olin was appointed to report reasons for said proposed amendment; who forthwith reported the following, to wit: "That the reasons for granting the money may appear from the face of the law"—which was read & adopted, and *Ordered*, that the Sec'y return said bill & amendments, together with the reasons afores[d], to the House of Representatives, and request their concurrence.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Joseph Parker," which was read, and *Ordered*, to lie on the table. Also, "an act directing the Treasurer of the State to pay the several Clerks of the Supreme and County Courts in this State the sums therein mentioned"—which was read, and *Ordered*, to lie on the table. Also, "an act in addition to an act entitled an act incorporating the President, Directors & Company of the Bank of Burlington"—which was read, and committed to Messrs. Phelps, Butler & Berry, to consider & report thereon.

Also, "an act to enable Stafford Price of London, in the Kingdom of Great Britain, to hold lands within this State"—which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act, altering the name of Ransom Caswell to Ransom Darling," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act authorizing the guardian of John Barrett & Charles Barrett, minors & children of John Barrett deceased, to sell certain lands situate within this State"—which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Joseph Clifford," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of George Warner," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Samuel Shuttleworth," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Benjamin Heartt," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act altering the name of Sophronia Parmenter to that of Sophronia Thayer," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Oren Kelsey," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of the Waltham Turnpike Company," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Hosea White," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act partially reviving an act therein mentioned,"—(tax on Goshen Gore & Wheelock,)—which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Elijah Southard," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer of this State to pay Levi Hathaway Jr. the sum therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the 14 bills last mentioned.

The House also sent up for revision &c. "an act directing the mode of warning proprietors' meetings in Green & Moulton's Grant," which was read, and *Ordered* to lie on the table. Also, "an act directing the mode of warning a proprietors' meeting in the town of Arlington," which was read, and *Ordered* to lie on the table. Also, "an act laying a tax of six cents on the acre in the town of Braintree," which was read, & *Ordered* to lie on the table. Also, "an act to repeal an act therein mentioned," (laying road from Windsor to Rutland,) which was read,

and *Ordered* to lie on the table. Also, "an act for the relief of Isaac Odel," which was read, and *Ordered* to lie on the table.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Gov. & Council met agreeably to adjournment.

The Council resumed the consideration of the bill entitled "an act for the relief of Isaac Odel"—which was again read. Whereupon, *Resolved* to concur in passing this bill. The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Samuel Parker," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of John Law," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Nathaniel Allen," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Philo Castle," which was read — whereupon, *Resolved* to concur in passing this bill. Also, "an act authorizing the Judge of Probate for the district of Addison to grant a new commission on the estate of Barzillai Carey"—which was read. Whereupon, *Resolved* to concur in passing this bill.

On motion of Mr. Butler, The Council resumed the consideration of the bill entitled "an act to repeal an act therein mentioned"—which was again read—whereupon, *Resolved* to concur in passing this bill.

On motion of Mr. Wetmore, The Council resumed the consideration of the bill entitled "an act directing the Treasurer of the State to pay the several Clerks of the Supreme & County Courts in this State the sums therein mentioned"—which was again read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the 8 bills last mentioned.

On motion of Mr. Phelps, The Council resumed the consideration of the bill entitled "an act directing the mode of warning Proprietors' meetings in Green & Moulton's Grant"—which was again read. Whereupon, on motion of Mr. Butler, *Resolved* to non concur in passing this bill, and Mr. Butler was appointed to report reasons. On motion of Mr. Butler, The Council resumed the consideration of the bill entitled "an act directing the mode of warning a proprietors' meeting in the town of Arlington," which was again read. Whereupon, on motion of Mr. Butler, *Resolved* to non concur in passing this bill—and Mr. Butler was appointed to report reasons.

Adjourned to 9 o'Clock to-morrow morning.

Friday Nov. 9, 1821. 9 o'Clock A. M.

The Governor & Council met according to adjournment.

Mr. Butler, who was appointed to report reasons for non concurring in passing the bill entitled "an act directing the mode of warning proprietors' meetings in Green & Moulton's Grant," reported the following, to wit: "*First.* Because the existing laws are at present sufficient to answer all the beneficial purposes of this bill. 2d. Because it appears to have for its object but a small reduction of expense in advertising. 3d. Because to pass this act, & others in every similar case, would not only prove more expensive to the State, but dangerous to all non resident proprietors"—which was read and adopted. Mr. Butler also reported the following reasons for non concurring in the bill entitled "an act directing the mode of warning a proprietors' meeting in the town of Arlington," to wit: "*First.* Because the present mode pointed out by the existing law for warning & notifying proprietors' meetings has a manifest preference to that contained in the bill. 2d. The small saving

of expense in advertising cannot be put in competition with losses to which the non residents would be exposed should this bill become a law" —which was read & adopted. Whereupon, *Ordered*, that the Sec'y return the two last mentioned bills, with the reasons afores[d], to the House.

The Council took up for consideration the bill entitled "an act for the relief of Joseph Parker," which was again read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly. Received from the House a bill entitled "an act for the appointment of Commissioners of Gaol delivery," with an order of the House thereon that the same be referred to the Judiciary Com[ee]. Whereupon, *Resolved* to concur in said order of reference.

A communication was received from the Speaker of the House, informing that the House have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act to incorporate certain persons by the name of the Bellows Falls Aqueduct Company"—and to the bill entitled "an act directing the Treasurer of this State to pay Reuben Jones the sum therein mentioned."

The House sent up the following resolutions for concurrence, to wit:

"In Gen[l] Assembly Nov. 8, 1821.

Resolved, that the custom which prevails with the commissioned officers of the militia of this State of giving, by way of *treat*, ardent spirits to those under their command, is attended with pernicious consequences to the militia, and merits the disapprobation of this General Assembly. The practice becomes burthensome to officers, corrupts the morals of soldiers, tends to introduce disorder, confusion & disobedience, and ought to be discountenanced by all classes of community.

Resolved, that the Maj. Generals in their several divisions, the Brigadier Generals in their respective Brigades, and the Colonels in their regiments be, and they are hereby requested and directed to use their exertions, in orders or otherwise, to aid in carrying into effect the object of the foregoing resolution.

Resolved, the Governor & Council concurring herein, that the Secretary of State shall cause the foregoing resolutions to be printed with the acts & laws passed at the present session of the General Assembly"—which were read. Whereupon, *Resolved* to concur in passing the foregoing resolutions. *Ordered*, that the Sec'y notify the House accordingly.

The House sent up the report of the Com[ee] to whom was referred the Resolutions from Maryland on the subject of appropriating a portion of the public lands for the purposes of education; together with the following resolutions for concurrence, to wit: "*Resolved* by the Gen[l] Assembly of the State of Vermont, that each of the United States has an equal right to participate in the benefit of the public lands, as the common property of the Union; & that the States in whose favor Congress have not made appropriations of land, for the purposes of education, are entitled to such appropriations as will be in a just proportion with those heretofore made made in favor of the other States.

"*Resolved*, that his Excellency the Gov. be requested to transmit copies of the foregoing report & resolutions to each of our Senators & Representatives in Congress, with a request that they will use their endeavours to procure the passage of an act to appropriate to the use of the State of Vermont, for the purposes of education, such quantity of the public lands as shall be equitable & just.

"*Resolved*, that his Excellency the Gov. be also requested to transmit copies of the said report & resolves to the Governors of the several States of the Union, with a request that they will communicate the same to their respective legislatures, and solicit their co-operation to carry into effect the just principles set forth"—which were read. Whereupon, *Re-*

solved to concur in passing said resolutions. *Ordered*, that the Sec'y notify the House accordingly.

Received from the House a bill entitled "an act in ad. to an act entitled an act for the support of schools, & the several acts in ad. thereto," with an order of the House thereon that the same be referred to the Judiciary Com^ee. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act authorizing Aaron Killam, adm^r. of Abel Fisk, to sell & convey certain lands"—which was read—and *Ordered*, that said bill be referred to Messrs. Leland & Andrus, to consider & report thereon. Also, "an act for the relief of Eli Hinds"—which was read, and *Ordered*, to lie on the table.

M^r. Phelps, from the Com^ee to whom was referred the bill entitled "an act in addition to an act entitled an act to incorporate the President, Directors & Company of the Bank of Burlington," requested that they may be discharged from the farther consideration thereof — whereupon, *Ordered* that said Com^ee be discharged accordingly — and the Council thereupon resumed the consideration of said bill. M^r. Butler moved that the Council do non concur in passing said bill.

Adjourned to 2 o'clock P. M.

2 o'Clock P. M.—The Governor & Council met agreeably to adjournment.

M^r. Leland, from the Com^ee to whom was referred the bill entitled "an act authorizing Aaron Killam adm^r. of Abel Fisk to sell & convey certain lands," reported the same without amendment. M^r. Leland moved that the Council do non concur in passing said bill. Whereupon, *Resolved* to nonconcur in passing this bill. M^r. Leland was appointed to report reasons for non concurrence; who forthwith reported the following, viz. "*First.* The Gov. & Council are not informed whether the estate in Hillsboro', to which the land mentioned in the bill belongs, is solvent or otherwise. 2^d. There is no evidence that a certificate approbating the sale of the said land from the Judge of Probate for the district of Manchester in this State, nor from the Judge of Probate in the County of Hillsboro' in New Hampshire where the heirs live, recommending the sale, [has been issued.] 3^d. There is no evidence that the heirs, who signed the petition for the sale of said land, were of age — if they were so, they may sell without this act — and further it does not appear that any one of them signed by his or her guardian"—which was read & adopted. Whereupon, *Ordered* that the Sec'y return said bill, with the reasons aforesaid, to the House of Representatives.

The Council resumed the consideration of the bill (being the unfinished business this morning) entitled "an act in addition to an act entitled an act to incorporate the President, Directors & Company of the Bank of Burlington." The question was put on M^r. Butler's motion to non-concur; which was determined in the negative — yeas 4, Nays 9. Those who voted in the affirmative are, Messrs. Andrus, Butler, Dana & Leland. Those who voted in the negative are, the Lt. Gov. Messrs. Berry, Chittenden, Olin, Phelps, Pratt, Stanley, Warner & Wetmore. Whereupon, on motion of M^r. Olin, *Ordered* that the bill be referred to Messrs. Olin, Butler & Berry for amendment.

The Council took up for consideration the bill entitled "an act for the relief of Eli Hinds"— which was again read — whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Sec'y notify the House accordingly.

Received from the House a bill entitled "an act providing for the relief & support of poor persons who may hereafter be confined in jail,

and having no lawful settlement in this State," — with an order of the House thereon that the same be referred to a Com^ee^ of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 9, 1821.

Resolved, the Gov. & Council concurring herein, that the Com^ee^ of Ways & Means be directed to report to the house a bill making appropriation for the pay of the Delegates to the Convention, to meet in Feb. next, fixing the sums they shall receive, and providing the way in which they shall receive the same," which was read. Whereupon, *Resolved* to concur in passing said resolution.

Received from the House a bill entitled "an act annexing the town of Morristown in the County of Orleans to the County of Washington," with an order of the House thereon that the same be referred to the Com^ee^ on the Petition of Baxter & Dennison. Whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act directing the Treasurer to allow John A. Burton the sum therein mentioned," with an order of the House thereon that the same be referred to the Com^ee^ of Ways & Means. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Samuel Carr"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act appropriating the rents of the County Grammar School lands in the town of Roxbury to the use of Washington County Grammar School"—which was read—whereupon, *Resolved* to concur in passing this bill, Also, "an act assessing a tax on the County of Windham," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Samuel Vial the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act to legalize a certain record of Vershire," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 5 bills last mentioned.

The Council resumed the consideration of the bill entitled "an act laying a tax of six cents on the acre in the town of Braintree," which was again read—whereupon, on motion of M^r^ Stanley, *Ordered*, that this bill be referred to Messrs. Stanley & Dana, to consider & report thereon.

Adjourned to 9 o'Clock to-morrow morning.

Saturday Nov. 10, 1821. 9 o'Clock A. M.

The Gov. & Council met according to adjournment.

Received from the House the Petition of sundry inhabitants of Pownal—the petition of sundry inhabitants of Sherburne—and a bill entitled "an act to preserve the fish in the waters in the County of Washington," with an order of the House on each that the same be re-committed. Whereupon, *Resolved* to concur in said orders of re-commitment. Also, The bill entitled "an act appropriating the property belonging to the Vermont State Bank for the support of schools," with an order of the House thereon that the same be re-committed. Whereupon, *Resolved*, to concur in said order of reference. Also, a bill entitled "an act to provide for the payment of the Convention to be convened by order of the Council of Censors"—with an order of the House thereon that the same be referred to the Com^ee^ of Ways & Means. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act assessing a tax for the support of Government," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Mr. Olin, from the Comee to whom was referred the bill entitled "an act in addition to an act entitled an act incorporating the President, Directors & Company of the Bank of Burlington," reported the same with amendments—which were read & adopted. The Lt. Gov. moved an additional amendment, which was read & adopted. Whereupon, *Resolved* to concur in passing said bill with the amendments—Yeas 8, Nays 5. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Olin, Phelps, Pratt, Stanley & Warner. Those who voted in the negative are, Messrs. Andrus, Butler, Dana, Leland & Wetmore. *Ordered*, that said bill & amendments be transmitted to the House by Mr. Olin, who is appointed to assign the reasons of Council, & request the concurrence of the House.

Received from the House a bill entitled "an act for the relief of Calvin Winslow," with an order of the House thereon that the same be referred to the Comee of Claims — whereupon, *Resolved* to concur in said order of reference.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Gov. & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence viz.

"In Genl Assembly Nov. 10, 1821.

Resolved, the Gov. & Council concurring herein, that both houses meet in joint Comee in the representatives room, on Monday next at 9 o'Clock in the forenoon, for the purpose of making further appointments of County officers"—which was read—whereupon, *Resolved* to concur in passing said resolution. *Ordered*, that the Sec'y notify the House accordingly.

Adjourned to Monday morn. next, at 9 o'Clock A. M.

Monday Nov. 12, 1821. 9 o'Clock A. M.

The Gov. & Council met according to adjournment.

Mr. Stanley, from the Comee to whom was referred the bill entitled "an act laying a tax of six cents on the acre on the town of Braintree," reported the same without amendment—which was again read. Whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Sec'y notify the House accordingly.

Received from the House the bill entitled "an act authorizing Aaron Killam admr of Abel Fisk to sell & convey certain lands" (which was non-concurred on the 9 Nov.) with an order of the House thereon that the same be referred to the Comee on the petition of Abel Fisk—whereupon, *Resolved* to concur in said order of reference. Also, a bill entitled "an act directing the Treasurer to pay certain persons therein named" with an order of the House thereon that the same be referred to the Comee of Claims. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act directing the Treasurer to pay James Whelpley the sum therein mentioned" — which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Benjamin Boardman," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act assessing a tax on the County of Windsor"—which

was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act to preserve the fish in the waters therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to and alteration of an act entitled an act relating to pounds, estrays & lost goods, passed March second 1797"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled an act relating to fences and the duty of fence viewers"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 6 bills last mentioned.

His Honor the Lt. Gov. introduced the following resolution, to wit :

IN COUNCIL Nov. 12, 1821.

Resolved, that his Excellency the Governor be requested to appoint the second wednesday of April next to be set apart as a day of fasting & prayer ; and that he issue his proclamation accordingly—which was read and adopted.

Adjourned to 2 o'Clock P. M.

2 o'CLOCK P. M.—The Gov. & Council met according to adjournment.

Received from the House a bill entitled "an act in addition to the several acts relating to Judicial proceedings"—with an order of the House thereon that the same be referred to the Judiciary Com^ee. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence an engrossed bill entitled "an act for the relief of Curtis Kelsey Jr." which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Joel Hill," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act to revive & continue in force certain sections of an act therein mentioned" (regulating the practice of Physic & Surgery,) which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Warren Evans," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Moses Aldrich," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act making further provision in the Treasury Department," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act granting a new trial in the case of Heman Allen v. Silas Hathaway & Uzal Pierson," which was read. Whereupon, *Resolved* to concur in passing this bill—Yeas 9, Nays 4. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Butler, Dana, Leland, Olin, Phelps, Stanley & Warner. Those who voted in the negative are, Messrs. Berry, Chittenden, Pratt & Wetmore. *Ordered*, that the Sec'y notify the House of the passage of the 7 bills last mentioned.

On motion of M^r. Olin, The Council proceeded to the appointment of a Surveyor of public buildings—and the ballots having been taken, it appeared that Joshua Y. Vail Esq. was appointed.

Adjourned to 9 o'Clock to-morrow morning.

TUESDAY Nov. 13, 1821. 9 o'Clock A. M.

The Gov. & Council met pursuant to adjournment.

M^r. Pratt asked for & obtained leave of absence during the remainder of the session.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L. ASSEMBLY, Nov. 12, 1821.

Resolved, the Gov. & Council concurring herein, that the Treasurer of this State be, and he hereby is authorized to purchase, for the use of the

General Assembly, five copies of Ebenezer Hutchinson's late edition of the map of this State"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 12, 1821.

Resolved, the Gov. & Council concurring herein, that Jedediah H. Harris, Allen Wardner, & Abner Forbes be, and hereby are appointed a committee to attend at the Vermont State prison on the last thursday of September next, to make an appraisal & inventory of the property belonging to said prison; also to settle with the superintendent, and make report to the Gen[l] Assembly by the 15 day of Oct. next"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

M[r.] Leland moved a reconsideration of the vote dismissing the petition of Noah White, a convict in the State prison, for pardon—and the question for reconsidering the same being put, was determined in the affirmative. Whereupon, the question was put, "Shall a pardon be granted the said Noah White?" which was determined in the affirmative—Yeas 7, Nays 4. Those who voted in the affirmative are, Messrs. Andrus, Berry, Butler, Chittenden, Phelps, Stanley & Warner. Those who voted in the negative are, Messrs. Dana, Leland, Olin & Wetmore.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Also, "an act annexing the town of Westmore in the County of Essex to the County of Orleans," which was read—and on motion of M[r.] Berry, *Ordered* to lie on the table. Also, "an act establishing for the time being a jurisdictional line between the towns of Rochester & Bethel"—which was read, and on motion of M[r.] Butler, *Ordered* to lie on the table.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Gov. & Council met agreeably to adjournment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to incorporate an acqueduct society in Manchester," which was read. Whereupon, *Resolved* to concur in passing this bill. On motion of M[r.] Olin, The Council resumed the consideration of the bill entitled "an act establishing for the time being a jurisdictional line between the towns of Rochester & Bethel"—which was again read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the two last mentioned bills.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to the several acts defining the powers of Justices of the peace within this State"—which was read. M[r.] Wetmore moved that the Council do non concur in passing said bill—and the question being put, was determined in the negative. Whereupon, *Ordered*, that said bill lie on the table.

Adjourned to 9 o'Clock to-morrow morning.

Wednesday Nov. 14 1821. 9 o'Clock A. M.

The Gov. & Council met according to adjournment.

On motion of M[r.] Leland, The Council resumed the consideration of the bill entitled "an act in addition to the several acts defining the powers of Justices of the peace within this State." M[r.] Wetmore proposed an

amendment to the first Sec. which was read & adopted. Whereupon, on motion of Mr. Olin, *Ordered*, that said bill lie on the table.

The House sent up the following resolution for concurrence, to wit.

"In Genl. Assembly Nov. 14, 1821.

Resolved, the Gov. & Council concurring herein, that it shall be the duty of the Directors of the Vermont State bank to make a return to the next legislature, on or before the 10th day of the session, comprising a correct statement of the property belonging to the Vermont State bank within this State, with the number of acres of land belonging to said bank, particularly stating the town in which such property lies, and designating each parcel of land, and the price at which it was received, and also the amount now due said directors for sales of bank property, together with their accounts against the State for their services; and the Clerk of the Genl. Assembly is hereby directed to furnish each of the directors with a copy of this resolution as soon as may be"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

Also, a bill entitled "an act for the relief of Thomas Stanton," with an order of the House thereon that the same be referred to the Comee of Insolvency. Whereupon, *Resolved*, to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to preserve the Fish in the several waters in the County of Washington"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to and to revive an act entitled an act laying a tax on all the lands in the town of Duxbury in the County of Washington, passed Nov. 7, 1820"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act to preserve the Fish in the waters in the town of Sherburne," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Josiah Morse the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 4 bills last mentioned.

On motion of Mr. Wetmore, The Council resumed the consideration of the bill entitled "an act in addition to the several acts defining the powers of Justices of the peace within this State." Mr. Wetmore moved to erase the words "twelve per cent." in the 5 Sec. which was decided in the affirmative—Yeas 7, Nays 5. Those who voted in the affirmative are, the Lt. Gov. Messrs. Butler, Chittenden, Leland, Stanley, Warner & Wetmore. Those who voted in the negative are, Messrs. Andrus, Berry, Dana, Olin & Phelps. Mr. Wetmore moved to strike out the 3d Sec. which was determined in the affirmative. Mr. Olin moved to strike out the 7 Sec. and insert in lieu thereof a provision that the act shall have no effect upon contracts heretofore made—which was determined in the affirmative. Mr. Olin moved an amendment to the 5 Sec. which was adopted. Whereupon, *Ordered*, that this bill be committed to Messrs. Olin, Butler & Wetmore to consider & report amendments.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Gov. & Council met pursuant to adjournment.

Mr. Wetmore, from the Comee to whom was referred the bill entitled "an act in addition to the several acts defining the powers of Justices of the peace within this State," reported the same with the amendments —which were read & adopted. On motion, the question was put on striking out the words "fifteen dollars" in the 4 Sec. & inserting in lieu thereof the words "ten dollars" — which was determined in the affirmative—Yeas 9, Nays 3. Those who voted in the affirmative are, the Lt. Gov. Messrs. Andrus, Berry, Butler, Dana, Leland, Phelps, Warner & Wetmore. Those who voted in the negative are, Messrs. Chittenden,

Olin & Stanley. Whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered* that said bill & proposed amendments be transmitted to the House by Mr. Butler, who is appointed to assign the reasons of the Gov. & Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act authorizing the Superintendent of the State prison to borrow a sum of money from the Banks" — which was read. Whereupon, on motion of Mr. Butler, *Resolved* to non concur in passing this bill — and Mr. Butler was appointed to report the reasons of Council for their non concurrence; who forthwith reported the following, to wit: "*First.* Because the annual appropriation already by law established of 5000 dollars together with $600 more as a compensation to the Superintendent is thought to be sufficient for the support of that institution. *Second.* Because for the State to borrow money to enter into any speculation, would be improper and altogether inexpedient" — which was read & adopted. Whereupon, *Ordered* that the Sec'y return said bill, with the reasons for non concurrence, to the House of Representatives.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition to an act entitled an act for the support of schools, & the several acts in addition thereto" — which was read. Mr. Olin proposed amendments to said bill, which were read & adopted — whereupon, *Resolved* to concur in passing said bill with the amendments. Mr. Olin was appointed to report reasons for the amendments; who reported the following, viz. "1st. Because the highest sum at which a fine can be assessed will operate much lighter on the individuals of the most wealthy towns than the lowest sum will on the individuals of the towns the least wealthy; while, by the amendment, the individuals of every town will feel the penalty in proportion to their list. 2d. The fine will be so far fixed & certain as to relieve the court from the disagreeable duty of assessing the fine at discretion." Which was read & adopted—and *Ordered* that the Sec'y return said bill & proposed amendments, together with the reasons aforesd. to the House; and request their concurrence.

The House also sent up for revision &c. an engrossed bill entitled "an act repealing certain sections of an act therein mentioned," which was read — whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the State's Attorney for Bennington County to stay proceedings against Roswell Ford" — which was read — whereupon, *Resolved* to concur in passing this bill. Also, "an act laying a tax on the County of Essex," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act assessing a tax on the County of Addison," which was read — whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Sec'y notify the House of the passage of the 4 bills last mentioned.

The House sent up the following resolution for concurrence, to wit:

"In Genl. Assembly Nov. 14, 1821.

Resolved, the Gov. & Council concurring herein, that the Sec'y of State be directed to furnish each member of this house, other than those who are now furnished by law, with one copy of the laws passed at the present session of the legislature, to be furnished at the time, & distributed in the same manner as is now provided by law for distributing the same to Justices of the peace in this State" — which was read. Whereupon, *Resolved* to concur in passing said resolution.

On motion of Mr. Berry, the Council took up for consideration the bill entitled "an act annexing the town of Westmore in the County of Essex to the County of Orleans" — which was read — whereupon, on

motion of Mr. Berry, *Resolved* to non concur in passing this bill—and Mr. Berry was appointed to report reasons for non concurrence.

His Excellency the Governor asked & obtained leave of absence during the remainder of the session.

Adjourned to 9 o'Clock to-morrow morning.

THURSDAY Nov. 15, 1821. 9 o'Clock A. M.

The Lieut. Gov. & Council met agreeably to adjournment.

Mr. Phelps asked & obtained leave of absence during the remainder of the session.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act for the relief of Thomas Stanton"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled an act for the relief of certain of the militia of this State, passed Nov. 13, 1819"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay Norman Williams the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act annexing the town of Roxbury in the County of Washington to Washington Probate District," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act authorizing a meeting of the trustees of the County Grammar School in the County of Orleans & confirming the doings of the Comee appointed to designate the place for the same in said County," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act making further provision in the Judiciary department," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled an act defining what shall be deemed and adjudged a legal settlement, and for the support of the poor; for designating the duties & powers of the overseers of the poor; and for the punishment of idle and disorderly persons"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of the Sheriffs & prisoners in certain cases," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the 8 bills last mentioned.

The House also sent up for concurrence &c. an engrossed bill entitled "an act laying duties on licences to hawkers and pedlars"—which was read. Mr. Olin & Mr. Butler successively proposed amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing this bill with the amendments. Mr. Olin was appointed to report reasons; who forthwith reported the following, to wit: "*First.* It ought to be clearly understood that any citizen of this State may require such licence to be shown. 2d. The right to continue their business during the time for which they are already licenced ought to be provided for. 3d. The Council consider the sum of $80 for the pedlar on horseback is too high in proportion to others"—which was read & adopted—and *Ordered*, that the Sec'y return said bill & proposed amendments, with the reasons aforesd, to the House, and request their concurrence.

The House also sent up for revision &c. an engrossed bill entitled "an act directing the Treasurer to pay Elihu De Forest the sum therein mentioned," which was read. Whereupon, on motion of Mr. Olin, *Resolved* to non concur in passing this bill—Yeas 8, Nays 2. Those who voted in the affirmative are, Messrs. Berry, Chittenden, Dana, Leland, Olin, Stanley, Warner & Wetmore. Messrs. Andrus & Butler voted in the negative. *Ordered*, that the Sec'y return said bill to the House, with

the following reasons, which were reported by Mr. Olin & adopted, to wit: "It appears that the service, for which the payment is claimed, was for pursuing, apprehending and bringing to Justice a horse thief; and that in that pursuit, he went into the province of Canada, & seized the culprit, without the aid of the civil magistrate; and by unauthorized force, brought him over the province line. However useful it may seem to those who reside near the province line, to administer to themselves prompt relief, without awaiting the delays of a legal course; and notwithstanding the consent of the inhabitants the other side of the province line, it is believed that the practice cannot be justified; as the tendency of such a practice is to produce forcible onsets, and violent opposition; the natural consequence of which is so well known to every observer. A recurrence to facts shows that the above view of the case is not imaginary. The case of the unfortunate Gregg, who was *smuggled* out of Canada about 15 or 16 years past, and who was drowned in the lake on the way to Vermont, in which, but for the laudable exertion of Gov. Tichenor, several respectable citizens of this State must have been given up to take a trial for murder, shews the consequence towards which every transaction of that kind is tending. It is therefore believed that it would be improper in the extreme, for the government to do any act that would encourage a course of proceedings tending to such disagreeable consequences."

The House also sent up for revision &c. an engrossed bill entitled "an act for electing Representatives to the Congress of the United States, and directing the mode of their election," which was read. Mr. Olin proposed an amendment to said bill, which was read & adopted. Whereupon, *Resolved* to concur in passing said bill with the amendments. Mr. Leland was appointed to report reasons for said amendments, who forthwith reported the following, viz. "As vacancies may happen by death, by contested elections or otherwise"—which was read & adopted & *Ordered*, that the Secretary return said bill & proposed amendments, together with the reasons therefor, to the House of Representatives, and request their concurrence.[1]

The House also sent up for revision &c. an engrossed bill entitled "an act constituting Probate Courts, and defining their powers, and regulating the settlement of testate and intestate estates; and the guardianship of minors & insane persons." Which was part read.

Adjourned to 2 o'Clock P. M.

2 o'Clock P. M.—The Lt. Gov. & Council met agreeably to adjournment.

A message was received from the House by Mr. Haight, one of its members, informing the Council that the House have concurred in the amendments proposed to the bill entitled "an act in addition to the several acts defining the powers of Justices of the peace within this State," except the 2d & 6th, and Mr. Haight, having assigned the reasons of the House, withdrew. Whereupon, on motion of Mr. Olin, *Ordered*, that said bill be committed to Mr. Wetmore, for farther amendments.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act to provide for the payment of the Convention to be convened by order of the Council of Censors," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Rufus Woodward," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act to preserve the fish in certain waters therein mentioned," which was read. Whereupon, *Resolved* to

[1] Probably this bill was amended on motion of Mr. Leland as well as of Mr. Olin.

concur in passing this bill. Also, "an act freeing the body of Charles Preston from arrest & imprisonment for the term of five years"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Jeremiah Morrill," (which was non concurred by Council on the 24th Oct. & re-passed by the House,) which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for the relief of Lyman King," (which was non concurred by Council on the 20 Oct. & re-passed by the House,) which was read. Whereupon *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 6 bills last mentioned.

Mr. Leland moved that the vote of this morning, passing the bill entitled "an act for electing Representatives to the Congress of the United States, and directing the mode of their election," be re-considered, and the question being put, was determined in the affirmative—whereupon, *Ordered*, that said bill be referred to Messrs. Leland & Dana, to consider & report thereon—who forthwith reported another amendment to said bill; which was read—and adopted—whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the Sec'y notify the House accordingly, and request their concurrence.

A communication was received from the Speaker of the House, informing that they have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act in addition to an act entitled an act incorporating the President, Directors & Company of the bank of Burlington"—also to an act entitled "an act in addition to an act entitled an act for the support of schools, and the several acts in addition thereto"—also to an act entitled "an act for the punishment of certain inferior crimes and misdemeanors."

The House sent up the following resolution for concurrence, to wit:

"In General Assembly Nov. 9, 1821.

Resolved, the Gov. & Council concurring herein, that both houses meet in the Representatives' room on friday the 16 inst. at 8 o'Clock A. M. for the purpose of adjourning the General Assembly without day"—which was read, and *Ordered* to lie on the table.

The Council resumed the consideration of the bill entitled "an act constituting Probate Courts, and defining their powers, and regulating the settlement of testate & intestate estates; and the guardianship of minors and insane persons"—which was finished reading. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

A communication was received from the Speaker of the House informing that they have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act laying duties on licences to hawkers and pedlers."

Mr. Wetmore reported the bill entitled "an act in addition to the several acts defining the powers of Justices of the peace within this State," with additional amendments, which were read and adopted—whereupon, *Resolved* to concur in passing said bill with the amendments. *Ordered*, that said bill & amendments be transmitted to the House by Mr. Olin, who is appointed to assign reasons for the proposed amendments.

Adjourned to half past 6 o'Clock P. M.

Evening Session.—The Lt. Gov. & Council met according to adjournment.

Mr. Berry moved a reconsideration of the vote to non concur in passing the bill entitled "an act annexing the town of Westmore in the County of Essex to the County of Orleans"—and the question being put was determined in the affirmative. Mr. Berry moved amendments to

the bill, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the amendments. Mr. Berry was appointed to report reasons for the proposed amendments; who forthwith reported the following, to wit: "That the County of Essex might not lose any rights which it may now have to the said Grammar School lands, and prevent any future question or misunderstanding on that subject"—which was read & adopted & *Ordered*, that the Sec'y return said bill & proposed amendments, with the reasons aforesd, to the House, and request their concurrence.

Mr. Olin moved a reconsideration of the vote of the afternoon, passing the bill entitled "an act in addition to the several acts defining the powers of Justices of the peace within this State," with proposed amendments—and the question being put, was determined in the affirmative. Mr. Olin moved to strike out the amendment which provides for the bill going into operation in April, and the question being put was determined in the affirmative. Mr. Butler moved to rescind all the other amendments—and the question being put was determined in the negative. Whereupon, *Resolved* to concur in passing said bill with the amendments. Mr. Olin was appointed to report reasons for the proposed amendments—who forthwith reported the following, to wit: "Because without the amendments it is believed that bail on mesne process will be discharged if the execution should not be returned in sixty days"—which was read & adopted—and *Ordered*, that said bill & proposed amendments, with the reasons aforesd, be transmitted to the House by the Secretary, and their concurrence requested.

The House sent up for revision & concurrence &c. the engrossed bill entitled "an act directing the Treasurer to pay Elihu DeForest the sum therein mentioned," which was non concurred by the Council this morning, and since re-passed by the House. Whereupon, the question was put, "Will the Council concur in passing this bill?" which was determined in the negative—Yeas 4, Nays 6. Those who voted in the affirmative are, Messrs. Andrus, Butler, Stanley & Wetmore. Those who voted in the negative are, Messrs. Berry, Chittenden, Dana, Leland, Olin & Warner. Mr. Olin moved an amendment to the bill by striking out the words "seventy five" immediately preceding the word "dollars"—and the question of adopting said amendment being put, was carried in the affirmative—Yeas 6, Nays 4. Those who voted in the affirmative are, Messrs. Berry, Chittenden, Dana, Olin, Stanley & Wetmore. Those who voted in the negative are, Messrs. Andrus, Butler, Leland & Warner. Mr. Leland moved to insert the word "fifty" in place of the words stricken out. Mr. Butler moved to insert the word "sixty" in the place of the words stricken out. The question was put on the motion of Mr. Butler and determined in the negative—Yeas 2, Nays 8. Those who voted in the affirmative are, Messrs. Andrus & Butler. Those who voted in the negative are, Messrs. Berry, Chittenden, Dana, Leland, Olin, Stanley, Warner & Wetmore. The question was put on the motion of Mr. Leland, and determined in the negative—Yeas 2, Nays 8. Those who voted in the affirmative are, Messrs. Butler & Leland. Those who voted in the negative are, Messrs. Andrus, Berry, Chittenden, Dana, Olin, Stanley, Warner & Wetmore. Mr. Butler moved to insert the word "forty" in the place of the words stricken out, and the question being put, on said motion, was determined in the negative—Yeas 2, Nays 8. Those who voted in the affirmative are, Messrs. Butler & Leland. Those who voted in the negative are, Messrs. Andrus, Berry, Chittenden, Dana, Olin, Stanley, Warner & Wetmore. Whereupon, the question was put, "Will the Council concur in passing said bill with the amendment?" which was determined in the affirmative—Yeas 6, Nays 4. Those who voted

in the affirmative are, Messrs. Berry, Chittenden, Dana, Olin, Stanley & Wetmore. Those who voted in the negative are, Messrs. Andrus, Butler, Leland & Warner.[1] Mr. Olin was appointed to report reasons for the proposed amendments, who forthwith reported the same as those adopted for non-concurring in passing the bill, which were read & re-committed, whereupon, Mr. Olin reported the following, to wit: "The Council think it bad policy to encourage passing over the province line, and by force, & without the aid of the civil magistrate, fetching persons over the line"—which was read & adopted. So it was *Resolved* to concur in passing said bill with the amendment & *Ordered*, that said bill & proposed amendment, with the reasons afores[d], be transmitted to the House by the Sec'y, and their concurrence requested.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in amendment of an act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act altering the time of holding the December Term of Rutland County Court," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act appropriating the rents of the County Grammar School lands in the town of Elmore to the use of Washington County Grammar School," which was read — whereupon, *Resolved* to concur in passing this bill. Also, "an act directing the Treasurer to pay John Taisey the sum therein mentioned"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act altering the terms of holding the County Court within and for the County of Orleans," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act more effectually to prevent intemperance," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act for collecting & perpetuating the records relative to the assumption & establishment of government in this State, and such acts of the legislature as are not in print"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act providing for the relief & support of poor persons who may hereafter be confined in Jail, and having no legal settlement in this State," which was read — whereupon, *Resolved* to concur in passing this bill. Also, "an act making the necessary appropriation for the support of Government the present year" — which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act laying a tax of three cents per acre on the town of Westmore, passed Nov. 1, 1821," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in alteration of the act which regulates proceedings in suits against corporations," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act providing for the State printing," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to the several acts regulating judicial proceedings," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to an act entitled an act regulating & governing the Militia of this State, and the several acts in amendment of and in addition thereto," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act concerning writs of scire facias," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "an act in addition to the several acts authorizing the Supreme Court to appoint Commissioners of Jail delivery," which

[1] The bill authorized "——— dollars" to be paid, and was a rejection of the claim. This course was adopted for the purpose of saving to the Council the power to suspend the bill until the next session.

was read. Whereupon, *Resolved* to concur in passing this bill. Also, "an act authorizing the Treasurer to borrow a sum of money from the banks," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 17 bills last mentioned.

A communication was received from the Speaker of the House informing that they have concurred in the amendments proposed by the Gov. & Council to the bills entitled "an act for electing Representatives to the Congress of the United States and directing the mode of their election"—and "an act in addition to the several acts defining the powers of Justices of the Peace within this State."

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act establishing permanent salaries for certain officers, and for regulating certain fees and taxable costs"—which was read. Mr. Wetmore moved to strike out "four hundred & fifty," being the salary fixed for the Sec'y of State, & insert in lieu thereof "five hundred"—which was adopted. Mr. Olin moved to strike out "two hundred & fifty," being the salary fixed for the Sec'y of the Gov. & Council, and the question being put was carried in the affirmative. Mr. Butler moved to insert in lieu thereof "three hundred & seventy five"—and the question being put was decided in the negative. Mr. Olin moved to insert "three hundred" for the salary of the Sec'y of the Gov. & Council. Mr. Leland moved to insert "three hundred & fifty" for the salary of the Sec'y of the Gov. & Council. The question was put on Mr. Leland's motion and carried in the affirmative. Whereupon, *Resolved* to concur in passing said bill with the amendments—Yeas 7, Nays 3. Those who voted in the affirmative are, Messrs. Berry, Butler, Leland, Olin, Stanley, Warner & Wetmore. Those who voted in the negative are Messrs. Andrus, Chittenden & Dana. *Ordered*, that said bill & proposed amendments be transmitted to the House by Mr. Butler, who is appointed to assign reasons & request the concurrence of the House.

The Council took up the resolution from the House, sent up to-day, for both Houses to meet to-morrow morning at 8 o'clock for the purpose of adjourning the General Assembly without day—which was read, whereupon, *Resolved* to concur in passing said resolution. *Ordered*, that the Sec'y notify the House accordingly.

Adjourned to 7 o'Clock to-morrow morning.

Friday Nov. 16, 1821. 7 o'Clock A. M.

The Lt. Gov. & Council met according to adjournment.

A message was received from the House by Mr. Hutchinson, one of its members, who returned the bill entitled "an act directing the Treasurer to pay Elihu DeForrest the sum therein mentioned,"—and informed that the House have non concurred in the amendment proposed by the Gov. & Council, and Mr. Hutchinson, having assigned the reasons of the House, & requested the concurrence of the Gov. & Council in passing the bill, withdrew. Mr. Butler moved the Council do concur in passing said bill—and the question being put was determined in the negative—Yeas 3, Nays 7. Those who voted in the affirmative are, Messrs. Andrus, Butler & Wetmore. Those who voted in the negative are, Messrs. Berry, Chittenden, Dana, Leland, Olin, Stanley & Warner. Mr. Olin moved to suspend the passing said bill until the next session of the legislature—and the question being put, was determined in the affirmative—Yeas 8, Nays 2. Those who voted in the affirmative are, Messrs. Berry, Chittenden, Dana, Leland, Olin, Stanley, Warner & Wetmore.

Messrs. Andrus & Butler voted in the negative. So it was *Resolved* to suspend the passing said bill until the next session of the legislature. *Ordered*, that the Sec'y notify the House accordingly.

A message was received from the House by Mr. Fitch, one of its members, informing that the House have non concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act establishing permanent salaries for certain officers, and for regulating certain fees & taxable costs," and request the concurrence of the Gov. & Council in passing the bill—and Mr. Fitch, having assigned the reasons of the House, withdrew—whereupon the question was put, "Will the Council concur in passing said bill ?" which was determined in the affirmative—Yeas 8, Nays 2. Those who voted in the affirmative are, Messrs. Andrus, Butler, Chittenden, Dana, Leland, Olin, Stanley & Warner. Messrs. Berry & Wetmore voted in the negative.

A communication was received from the Speaker of the House informing that the House have concurred in the amendments proposed by the Gov. & Council to the bill entitled "an act annexing the town of Westmore in the County of Essex to the County of Orleans."

A message was received from the House, by Mr. Chipman, one of its members, informing that the House, having completed their business, are ready to receive the Gov. & Council in the representatives' room, for the purpose of adjourning the General Assembly without day, agreeably to the joint Resolution of both Houses,—and he withdrew. *Ordered* that the Sec'y inform the House of Representatives that the Gov. & Council, having finished the business before them, will immediately attend in the Representatives' room, to adjourn the Genl. Assembly without day.

Agreeably to the concurrent resolution of both Houses, the Lt. Gov. & Council attended in the representatives' room, and after an address was made to the throne of Grace by the Rev. Mr. Wright, the General Assembly was adjourned without day.

The Lt. Gov. & Council returned to the Council Chamber, when a letter was presented from Benjamin Hunking, declining the appointment of Chief Judge of Essex County Court. Whereupon the Lt. Gov. & Council proceeded to fill the vacancy — and the votes having been taken & counted, it appeared that the Hon. Oliver Ingham was duly appointed Chief Judge of the County Court for the County of Essex.

The Gov. & Council adjourned without day.

STATE OF VERMONT — The foregoing from page 205 to page 375, inclusive, [of manuscript Council Journals Vol. 9,] is a true Journal of the proceedings of the Governor & Council at their annual session in the year 1821. R. TEMPLE *Sec'y.*

DEBENTURE of COUNCIL 1821.	No. miles travel.	Amt. of travel.	No. days Attendance.	Amt. of Attendance.	Debenture.
Lt. Gov. Cahoon	44	$ 5.28	37	$148.00	$153.28
Mr. Andrus	96	10.92	37	55.50	66.42
" Berry	75	9.00	19	28.50	37.50
" Butler	12	1.44	37	55.50	56.94
" Chittenden	30	3.60	37	55.50	59.10
" Dana	22	2.64	36	54.00	56.64
" Leland	80	9.60	37	55.50	65.10
" Olin	75	9.00	37	55.50	64.50
" Phelps	98	11.76	36	54.00	65.76
" Pratt	96	11.52	30	45.	56.52
" Stanley	32	3.84	37	55.50	59.34
" Warner	80	9.60	37	55.50	65.10
" Wetmore	61	7.32	37	55.50	62.82
R. Temple, Sec'y (by Stage)	100	12.00	37	92.50	104.50
John Peck Esq She'ff	12	1.44	37	55.50	56.94
R. R. Keith, Dep'y	—	——	37	55.50	55.50
Contingencies for stationery & rent,	—	——	—	——	6.
					$1091.96

The above debenture was received of the Treasurer by the Sheriff, and paid out to the members &c. R. TEMPLE *Sec'y.*

His Excellency the Governor was pleased to make the following appointments to wit. Feb. 6, 1822, Daniel Kellogg Esq. of Rockingham to be Adjutant & Inspector General of the Militia of this State. Asa Aikens Esq. of Windsor to be aid to the Gov.

Secretary Temple entered upon the record an index to the journals respectively of 1820 and 1821. These would be of no advantage in this record, and are therefore omitted.

APPENDIX A.

GOVERNOR'S SPEECHES TO THE LEGISLATURE—1813-1821

Speech of Gov. Martin Chittenden—1813.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives, —We meet under prospects not the most flattering. Our political horizon is encircled with clouds somewhat portentous. It is a period peculiarly interesting, as it respects our national and state affairs, and most eventful in the history of the world: a crisis demanding the united wisdom, prudence, and firmness of the whole community. Under these views and prospects, and with a due sense of my own inexperience and imperfections, it is with extreme diffidence that I enter upon the duties assigned me by the constituted authorities of a moral and enlightened people. But I do it cheerfully, relying on that candor and indulgence, which I have often heretofore experienced.

The national constitution having wisely placed our foreign relations in the hands and under the controul of the general government, our attention will principally be directed to the local concerns of the State. To provide for the protection and promote the greatest possible prosperity and happiness of every class of citizens, being the legitimate object of all wise and free governments, will necessarily claim your attention. The peculiar situation, under which I am called to enter upon the duties of the Chief Magistrate, must afford an apology for not laying before you, at this time, so particular a view of the affairs of the State as might be desirable. But I have the satisfaction of believing that the wisdom and intelligence of the legislature, composed of men elected from every portion of the State, and intimately acquainted with the feelings and necessities of their constituents, will furnish all the information necessary to promote the public interest.

The preservation of all free governments principally depending on the virtue and intelligence of the great body of the people, forcibly recommends the propriety of selecting for office men distinguished for virtue and talents; such as will enforce their precepts by moral and virtuous example; disregarding those local and[2] party views which stimulate one part of the community to trample on the rights of the other, and to sport with the feelings and happiness of their fellow men. In just ret-

[1] Ms. *Council Journal*, Vol. 7, p. 19.

[2] *Or* in the printed journal.

ribution," however, for this perversion of reason, this violation of duty, it will generally be found that this spirit is not less destructive to the happiness of the aggressor than of the aggrieved.

The importance of the subject of the militia will not fail to claim your deliberate consideration. I have always considered this force peculiarly adapted and exclusively assigned for the service and protection of the respective States; excepting in cases provided for by the national constitution, viz. *to execute the laws of the Union, suppress insurrection, and repel invasions.* It never could have been contemplated by the framers of our excellent constitution, who, it appears, in the most cautious manner, guarded the sovereignty of the States, or by the States, who adopted it, that the whole body of the militia were, by any kind of magic, at once to be transformed into a regular army for the purpose of foreign conquest; and it is to be regretted, that a construction should have been given to the constitution, so peculiarly burdensome and oppressive to that important class of our fellow citizens.

The known spirit and patriotism of the militia forbid the supposition that they will not cheerfully perform their duty, when it shall be clearly defined, and their rights permanently secured; and nothing is now wanting but proper regulations and suitable encouragement to render them an efficient force for all the purposes contemplated by the national and state constitutions. But a recurrence to our present militia system will evince the propriety of many alterations and amendments. The propriety, likewise, of many alterations in our present code of laws may be apparent. But that subject being under the consideration of the Hon. Council of Censors, I would suggest the propriety of waiting the result of their deliberations.

The state of our financial concerns will be derived from the Treasury Department; and the known integrity and ability, with which the duties of that office have been performed, leaves no room to doubt its correctness. And it is to be hoped that no additional burdens will be necessary to meet the current expences of the present year. A consideration of the embarrassed situation of our commerce—the great source of national and individual income in times of prosperity,—and the heavy burdens soon to be imposed in the form of direct and internal taxes, cannot fail to recommend a strict attention to the principles of economy, both public and private.

The national constitution very justly enjoins due obedience to all the laws and regulations which are made in conformity to it. But the same charter of our political rights ensures us the freedom of speech; a right never to be resigned while a single vestige of civil liberty remains. It is, therefore, our unquestionable right, and, at periods like the present, it may be considered our duty, not only to reflect on the state of our public affairs, but with a manly and temperate frankness, becoming freemen, to express our sentiments respecting them; and in the exercise of all fair and constitutional means, endeavour to produce such a state of things as will promote a just, secure and honourable peace, and avert the evils we feel, and the much greater, which we have reason to expect, from a war with one of the most powerful nations of Europe, and from the toils and intrigues, still more dangerous, of another. The war, in which we are engaged, would require the united wisdom and energy of the nation to sustain. It was declared under circumstances which forcibly induced a great proportion of the people to consider it at least doubtful, as to its necessity, expedience, or justice. And its continuance has become still more so, since the removal of the Orders in Council, the principal alledged cause of it. The subject of impressment never having been considered a sufficient cause of war by either of the

preceding administrations, and having been once adjusted by two of the present cabinet, Messrs. Monroe and Pinckney, ministers on our part, in such a manner as was by them stated to be both safe and honourable to our country, it would seem that it ought not now to be considered an insuperable obstacle to a fair and honourable peace, or an adequate cause for a protracted, expensive and destructive war. The conquest of the Canadas, of which so much has been said, if desirable under any circumstances, must be considered a poor compensation for the sacrifices, which are and must necessarily be made. Notwithstanding the multiplied embarrassments, and afflictive judgments, with which we are visited, yet as a people, our situation is enviable compared with that of many of our fellow men, who are groaning under the iron hand of despotism and oppression; and we have the highest reason to express, with grateful hearts, our dependence on an indulgent Providence for the bounties of the present season, and other unmerited blessings we still enjoy.

Should the documents of the office furnish matter for your consideration, it will be made the subject of a future communication. In the prosecution of the important business of the session, you may be assured, that every measure calculated to promote the security, prosperity, or happiness of our constituents, shall meet with my cordial co-operation and support. I am sensible, that in times of party heat and general commotion, passion too often usurps the place of reason ; which seldom fails to lead to an improper result. But, with a firm reliance on the assistance of Divine Providence, I trust we shall never disregard those duties, which are enforced by the national and state constitutions, and which, if steadily pursued, will not fail to result in the promotion of the public good. MARTIN CHITTENDEN.

Chauncy Langdon, George Robinson, [federalists] and William A. Griswold [anti-federalist,] were appointed to draft an answer to this speech, and the majority made a report echoing the speech, which was adopted by the House, 96 to 89. Seventy-nine members in the minority entered a protest on the journal, which is an elaborate document, replying to and condemning the political portions of the speech and answer. — See printed *Assembly Journal* of 1813, pp. 137, 198.

SPEECH OF GOV. MARTIN CHITTENDEN — 1814.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives, —The unsolicited approbation of my conduct the year past, considering the extreme embarrassments under which I entered upon the duties of my office, is highly gratifying, and will not fail to produce renewed exertion to promote the best interests of my fellow citizens. At the same time it affords the pleasing hope that my future services in the discharge of the duties of the office, which I have again undertaken, will be considered with the same indulgence. Without it, I should despair of discharging those duties in a satisfactory manner at this most difficult and eventful period.

The true patriot can submit to no sacrifice of truth or principle, to procure his own advancement, or promote the interests or views of a party. Men may change, and parties may change — but truth, princi-

[1] From printed *Assembly Journal* of 1814, p. 15.

ple and virtue are immutable. It ought, therefore, to be our firm determination to pursue the plain path of duty with steadiness and fidelity.

In declaring my undeviating attachment to the principles of our wise and excellent system of government, independently of any regard, or blind devotion, to those who may have administered it, I am sensible that high sounding professions are not the surest test of sincerity, and shall, therefore, only refer you to the general tenor of my conduct for future expectations.

Our foreign relations and defensive operations being exclusively committed to the management of the general government, excepting in particular cases, in which assistance may be required, our attention is principally confined to the local concerns of the State. And it affords me great pleasure to have it in my power to observe, that the internal quiet, security and prosperity of our fellow citizens, for the year past, has been unexampled for times like the present.

Justice has been promptly, and, I believe, impartially administered, the laws duly respected, and litigation gradually diminishing—the natural and certain consequence of a well placed confidence in an upright and intelligent judiciary. Our fiscal concerns have been conducted with that fidelity and correctness which were to be expected from the acknowledged talents and integrity of the officer at the head of that department.

Our schools and seminaries of learning have not suffered that diminution and depression which might have been expected, excepting that it has been deemed advisable that the operations of one nearest the seat of war[1] should suffer a temporary suspension, that, at a future and more favorable period, they might be resumed, under better prospects and with increased vigor and energy.

The economy and correctness with which that liberal and humane institution, established for the security and correction of state criminals, has been conducted, affords the consoling prospect of its great usefulness to the community, evinces a general improvement in the state of society, and probably will afford some revenue to the State.

Notwithstanding the corrupting and demoralizing tendency of a state of war, our citizens have enjoyed their civil and religious privileges in an unusual degree.

The distinguished talents, integrity, and experience, of which your honorable body is composed, will render my duties less arduous, and afford a sure pledge to our constituents that their best interests will be promoted.

Man never appears in a more responsible and truly dignified station, than when called to act as a representative of a free, sovereign, and independent people. We are selected from among our fellow citizens, not for the base and degrading purpose of securing our own promotion, aggrandizing our particular friends, or to favor the views and interests of a party—but to consider the whole community as one common family, and like faithful guardians of their rights, endeavour to promote the general welfare.

Yours is the duty, and on you, gentlemen, rests the responsibility, of selecting proper persons to fill the various offices in this State for the ensuing year—persons to whom we may safely trust the administration of justice in all its important branches, and on whom we must, in a great measure, depend for the preservation of the peace and internal quiet of the state. It will likewise become your duty to select a suitable

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[1]The University of Vermont.

person to represent this State in the Senate of the United States from and after the third day of March next.

In the execution of these important duties, the most perfect confidence is entertained, that you will, unbiassed by local or party considerations, be influenced by a single view to the public good.

The great importance of a well organized militia in a free state cannot escape the notice of a wise legislature. The want of precision and energy in our present military system must be apparent to every man who is conversant in military affairs, and demands a revision to adapt it to the exigencies arising from our exposed situation. It would be desirable that the burthen should be equalized, as far as is practicable, that the weight may not rest on those who are least able to bear it.

We have a right to demand from the general government full protection and security. Still it is but too evident from past experience, that much depends upon our own exertions. May not this consideration suggest the expediency of adopting some further measures for arming the militia, and providing field artillery and munitions of war, which may be applicable to sudden emergencies? We have before us the example of many of our sister states for raising a small volunteer corps, which may be relied on, in case of sudden alarm, and serve as a rallying point for other and efficient aid.

As we are authorized by the constitution to look to the general government for that protection which our exposed situation may require, it must be perfectly evident, that the militia were only designed to be called in aid of the regular force in particular cases. Those instances, which have occurred during the last year, have been met by our patriotic and brave citizens with a promptitude, spirit and zeal which are highly honorable to themselves, and which render them worthy of the gratitude of their country.

To meet a request of Gen. MACOMB, for assistance, on the late incursion of the enemy, which terminated so gloriously for the American arms, there being no portion of the militia detached or called for by the President, in conformity to the laws of the United States, it was considered that a call upon our patriotic citizens for their voluntary services was the only mode, by which efficient and timely aid could possibly be afforded.

The result has been such, as many of you, gentlemen, have witnessed. It far exceeded, in extent, our reasonable expectations. By it the enemy have been taught a useful, although mortifying lesson, that the soil of Freemen will not bear the tread of hostile feet with impunity.

At the same time it reflects the highest honor on the patriotism, spirit and valor of our fellow citizens, who, without distinction of age, character, or party, were ready to brave danger, in its most formidable appearance, for the defence of their country. And it would seem, that it ought to palsy the tongue of slander — every desirable object having been secured, and in a manner the least burthensome and offensive to the feelings of a free and enlightened people.

Much is due to Gen. STRONG, and our brave volunteers; and I am requested by the Secretary of War to present them the thanks of the general government "for their prompt succor and gallant conduct in the late critical state of this frontier."

I should do injustice to my own feelings, as well as violence to every correct principle, were I to refrain from testifying the high sense which I entertain of the brilliant achievement of Commodore MACDONOUGH, and his intrepid associates, on Lake Champlain, over a far superior naval force—an achievement which renders all encomium feeble and inadequate.

I should likewise do injustice, if I should neglect to notice the cool, persevering, and brave conduct of Brig. Gen. MACOMB, and his alike brave associates in arms, in the discomfiture of a greatly superior force of veteran troops, commanded by experienced officers.

These glorious achievements are not surpassed in the records of naval and military warfare. New lustre is added to the national character. But the effects are more immediately experienced by the northern sections of the States of Vermont and New York.

This late special interference of the Almighty in our behalf, in completely defeating the hostile designs of the enemy on our northern borders, cannot fail to render it a subject of respectful legislative notice. And although it may not be in our power to add to the laurels of those gallant commanders, and their brave associates, who, under Providence, were the authors of our protection and safety, yet we may express our gratitude to heaven, and to them, for so great a deliverance.

I have received a letter from the governor of the State of Pennsylvania, which enclosed a resolution of the Senate and House of Representatives of that State, proposing an amendment of the constitution of the United States,—by which the term of service of Senators in Congress shall be reduced from six to four years. I have received, likewise. a letter from the governor of the State of Tennessee, enclosing a resolution of the general assembly of that State proposing an amendment of the same import. These papers will be laid before you. And should any thing further of importance come to my knowledge during the present session, of which you are not possessed, it will be made the subject of a special communication.

On the subject of the war, in which our country is most unfortunately engaged, I feel disposed, at this critical period, to say as little as may be consistent with duty. But I consider it due to myself, and more especially to my constituents, explicitly to state, that the events of the war have in no wise altered my opinion of its origin, or its progress. I have conscientiously and uniformly disapproved of it, as unnecessary, unwise and hopeless, in all its offensive operations.—And notwithstanding the few brilliant successes we have met with in our operations of defence, I can see very little in its general complexion, which affords the least consolation.

Many very considerable places on our seaboard are now in the possession of the enemy. The capital of our country, that proud monument of better times, has been possessed and destroyed by him—a humiliating reflection to every real American. And I consider, that we are now suffering the evils which have, from the mistakes and misconduct of rulers, befallen this, as well as most of the nations of the earth.

It therefore becomes us to look calmly and firmly on our dangers, and meet them like men, who are mindful of what they owe to their own characters, and what they owe to their country.

It would have afforded me heartfelt satisfaction to have been able to announce to you the return of peace to an afflicted people. But our reasonable hopes, on this subject, not having been realized, and the particular spirit, with which the war appears to be prosecuted by the enemy, renders defensive measures and operations not only necessary, but righteous and just, in which we may engage with feelings most honorable and praiseworthy, and with a firm reliance on the Almighty, who has never forsaken us in the hour of peril.

I shall now, gentlemen, cheerfully proceed in the discharge of the duties of the office assigned me,—and in the prosecution of the business of the present session, you may be assured of my cordial co-operation in every measure, which has for its object the promotion of the public good.

MARTIN CHITTENDEN.

David Edmond and Charles K. Williams (federalists,) and William A. Griswold (anti-federalist,) were appointed a committee to draft an answer to the foregoing speech, and a report echoing the speech in every particular was the result. Mr. Griswold reported a substitute, modifying such portions as were distasteful to the minority in the House, which was rejected, yeas 85, nays 109. Henry Olin and Nathaniel Niles proposed amendments for the same purpose, which were rejected by like votes; when the answer was adopted, 106 to 85. Eighty-two members subsequently entered a protest on the journal of the House. See printed *Assembly Journal* of 1814, pp. 44–46, 108–110, 112, 117–121, 172–175.

Speech of Gov. Galusha—1815.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives, —We are assembled at a highly interesting period; a period succeeding the most surprising events that ever burst upon the view of an astonished world. The storm of war, which had overspread the whole civilized world, and threatened almost universal ruin, has, by the overruling hand of Omnipotence, been suddenly hushed to silence. The great commotions, by which Europe was shaken to its centre, have, for a moment, subsided. The important contest in which we were deeply engaged with one of the most potent nations of the earth, has been happily terminated; and instead of the horrors of war, we are surrounded with all the rich blessings of peace. While we behold, most conspicuous, the hand of that Being, who "enlargeth the nations, and straiteneth them;" and while our hearts glow with gratitude for the signal displays of His beneficence, in protecting and conducting us safely and triumphantly through our late struggle for the support of our dearest rights and national independence, let us look to Him for wisdom to direct us in our deliberations, and aid to such a discharge of our legislative duties, as shall conduce to the highest interest of our constituents, and the best good of the Union.

A time of peace is a time for cool and deliberate reflection, when all the angry passions, which are too prevalent in war, ought to be quelled, and when the sufferings and dangers to which we have been exposed, together with the causes of those dangers and sufferings, should be carefully sought, and critically examined, for the purpose of avoiding future evils, and ensuring future safety. Notwithstanding the European powers now seem tranquil, yet the unexpected and extraordinary changes, recent in that devoted country, justify our fears that new wars may soon arise from some unseen cause, and put our rights and liberties again in jeopardy. During the calm, then, we ought, by an indissoluble union, to be prepared for any storm that may arise.

I do not design to enter upon an investigation of the causes, progress and termination of the late war with Great Britain. Permit me, however, to observe, that no neutral nation was ever more cautious of giving offence to belligerent powers, than were the United States; and no nation that had the least confidence in its strength to oppose, ever suffered so long, such flagrant abuse of its rights, without resorting to arms. But when the love of peace could no longer restrain its votaries

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[1] From the printed *Assembly Journal* of 1815, p. 12.

from assuming an attitude to defend their sacred rights, and the nation's honor, the constituted authorities of our country declared a war which has progressed and terminated in such a manner, as has wholly disappointed the proud expectations of our enemy, and, in the view of the world, shed a lustre on our national character, which I hope no future disgrace may tarnish.

The nations of Europe, after suffering an almost incalculable destruction of property, after drenching the earth with blood, and clothing their fields with carnage, have sunk down under governments no less despotic, with immense additional burthens. Aided by protestant powers, the Pope is again restored, and Spain again groans under the terrors of the Inquisition. France is degraded to a state of wretchedness, unparalleled, except in Poland; for, notwithstanding the pledge of kings, that, when Napoleon was secured, France should remain unmolested in the enjoyment of her liberties and independence, yet, when that object was accomplished, royal faith was violated, and the strongholds of the kingdom put in possession of foreign mercenary troops, who stripped the inhabitants of their wealth, and spread devastation and terror through that opulent, polished, and late powerful nation; while their stupid monarch sits quiet on his throne, without the least exertion to preserve his own honor, or any seeming concern for the interests and the happiness of the people over whom he nominally reigns.

If from beholding the unhappy state of Europe, we turn our eyes to ill-fated Asia, there we behold despotism and misery reigning triumphant. Even in that vast and populous territory, which has been subjected to the British government, so far are oppression and superstition from being exterminated by England's boasted love of liberty and religion, that the chains of cruelty, ignorance and idolatry are rivetted by the hand of that nation which is almost worshipped for its professed christianity. Idols and idol priests are supported by the British government of the Indies, and a revenue drawn by that government from the collection of a tax levied on those deluded pilgrims, who go to worship, and frequently to sacrifice themselves in blind devotion to their lifeless gods.

I do not mention these things thinking that they have any immediate connection with the business of this legislature; but, that we, by reviewing the wreck of nations, and the horrors of despotism, may the higher prize, and more carefully guard the rights, and firmly support the principles of a free, equal, and happy government. Of all the nations of the earth, the United States, alone, are left to support a government whose basis is equal liberty, and whose sovereignty is the will of the people. While, then, we behold a world in chains, and consider that we belong to the same mass of being of which other nations are composed, ought we not to be jealous of our rights, and suspicious of usurpers?

From what has already appeared, is it uncharitable to say, that the same restless ambition, which has subverted former republics, and which ever grasps at power regardless of right, now rankles in the very bosom of our country. Then, as faithful guardians of the people's rights, ought we not carefully to watch over our own hearts, check every inordinate desire, and be vigilant and active, lest the subjects of that aspiring ambition should overturn the fair temple of liberty, and ride into unlimited power, over the crumbling monuments of freedom, erected at the expense of the blood of our heroes? Our rights and independence cannot be too well guarded; for though few will openly declaim against a republican form of government, as being the most happy, while the people continue tranquil among themselves, and undisturbed by foreign wars—yet, many have presumed to affirm, that it is too weak,

and too tardy in its operations, to protect its citizens against domestic insurgents, or foreign invaders. But we have seen, by experience, the fallacy of such assertions; for in the late contest, the strength of our government has been amply proved, even at a time when party spirit prevailed to as high a degree as an enlightened populace would admit.

Although, in the first stages of the war, owing to a long interval of peace, which it was the interest and happiness of our government to cherish, until safety forbid, we were destitute of such experienced officers and disciplined troops, as seemed requisite to meet the well tutored hosts of one of the most formidable nations in the world, whose perpetual wars keep her in constant readiness for any new military enterprise; and notwithstanding we suffered some disasters through the failure of a few, who did no honor to their commissions, yet, in a short period, was our army so officered and disciplined, that whenever the enemy came in contact with an equal, and often an inferior number of our troops, he was compelled to yield the palm of victory, and either surrender, or retire from the scene of action, confused, disgraced, and abashed. Witness our illustrious victories near the shores of Erie. Even our militia have trampled on the fading laurels of British prowess. What was the state of Proctor in the West? Let Harrison reply. Where is that formidable army that invaded from the North? Let Prevost inform. Where are the boasting legions, flushed with European victories, that assailed the South? Let England answer with a sigh; let Jackson point to their relics; while the faithful page of history records their doom!

Our naval victories have been no less conspicuous. On the ocean, and on the lakes, our flag has waved triumphant over Britain's wounded pride, and expiring naval glory. In the Mediterranean, the brave Decatur, and his gallant fellows, with but a part of their little squadron, have, in the space of a few days, humbled the Dey of Algiers, and compelled him to accept a peace dictated by the victors. This, several of the great naval powers of Europe have frequently attempted in vain.

Who, then, but with a blush can speak of the weakness of our government to withstand foreign invasion.

And has it not proved equally adequate to the suppression of insurrection? Has not every former faction been crushed in its first overt acts of opposition? And where is that most formidable of all factions, which threatened the dismemberment of the Union, or the total subversion of our constitution and government? Although it was long disseminating its poison, and originating its plans, it perished at last in embryo. Happy for its supporters that it ended in resolutions and declamations; for, had their threatened hostilities actually commenced, they would have been trampled in the dust by the very people that they were endeavouring to allure to ruin.[1]

I do not make these remarks with a design to revive and strengthen those party prejudices, which unhappily exist among us, but to increase our confidence in that government which we have adopted, and to excite our energies to counteract every attempt to overthrow it, for I well know that a republican government rests, principally, on the union of the people. A union formed and maintained, for the support of rational liberty, both civil and religious, is an object so dear to me, that I have not failed to recommend it on all suitable occasions; and hope ever to recommend it by corresponding example.

I rejoice that we have been so far united, that the constitution of this, as well as that of the United States, has survived the violence of the storm, and defied the threatening surges of the times. When the citi-

[1] Referring to the Hartford Convention.

zens of this State saw an attempt at such an alteration in their constitution, as would remove the election and accountability of many of their officers, at a greater, and truly dangerous distance from them — without distinction of party, they rallied round the standard of their liberty, and in the exercise of their sovereignty, secured the happy form and principles of a government, whose peculiar blessings they had long enjoyed.[1]

I am far from believing that any human government is so refined as to admit of no improvement; yet, amendments should be made in a time of general tranquility; when the passions and prejudices of the people are at rest; when they can enter upon the most cool and deliberate investigation; and then should they proceed with the utmost caution; for, when a right is once surrendered, it is seldom regained but by wading through scenes of blood, and even then, too frequently, the most desperate efforts are in vain. The struggles of France, in her first revolution, to emancipate herself from the galling chains of despotism, are an awful lesson to the world; and should teach us the danger and folly of neglecting our rights, even while in the most quiet possession, lest, by our supineness, we lose those inestimable blessings, which we have been able to obtain through the difficulties and dangers of war — for the aspiring and ambitious are ever ready to grasp the rights and privileges of the people, the moment they are within their reach.

Not having of late been engaged in the business of legislation, and fearing that I have already trespassed upon your patience, I shall not attempt, at this time, to point out such alterations and amendments in our laws as the change of times and other causes may require.

The education of our youth is an object of such importance, that it cannot fail of exciting your attention, and receiving your fostering care.

In the full and prosperous tide of commerce, I trust you will not neglect our infant manufactures, which, if rightly improved, cannot fail to increase our wealth and real independence.

I shall at all times rely on your cordial support, in the faithful discharge of the arduous duties that devolve upon me. And having endeavoured to impress your minds with a due sense of the responsibility, that rests on the representatives of a free people, I entertain the highest confidence in your wisdom and integrity, to perform every legislative duty, and especially to supply the various offices within your jurisdiction, by the appointment of such persons as are lovers of justice, and suitably qualified to fill their several stations so as shall conduce to the safety and happiness of individuals, as well as the honor and interests of the State.

All such communications as I may receive, for your consideration, either from the general government, from sister States, or any other source, will be seasonably laid before you.

I shall, gentlemen, cheerfully concur with you, in every measure calculated to promote the welfare of our constituents; and it is my ardent desire, that a spirit of harmony may prevail among us — and that the blessing of that Supreme Being, who presides over the affairs of states and nations, may attend us in all our deliberations. JONAS GALUSHA.

October, 1815.

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[1] The allusion here is specially to an amendment proposed by the fifth Council of Censors of 1813-14, (composed of Federalists,) that the Judges of the Supreme Court should hold their office during good behavior, though removable by a concurrent vote of two thirds of each house of the legislature. This, and all the proposed amendments, the Convention of 1814 rejected by a vast majority.—See *Thompson's Vermont*, Part II, p. 125.

Richard Skinner of Manchester, and Heman Allen of Colchester (anti-federalists,) and George Robinson of Burlington (federalist,) were appointed a committee to draft an answer to the speech, and the majority made a report responding to the sentiments of the governor, which was adopted by the General Assembly, 109 to 86. — See printed *Assembly Journal* of 1815, pp. 55–57, 114.

Speech of Gov. Galusha. — 1816.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives, —We have, through the interposition of an indulgent Providence, the pleasure to meet under the most agreeable circumstances, at this annual session of the General Assembly, to transact the ordinary business of legislation, and deliberate on the most prudent means to secure and advance the prosperity and happiness of our constituents. Our country is at peace with all nations, as also with our savage neighbours ; and no appearances of hostility, or internal disturbances, threaten our repose. Let us, therefore, with hearts of gratitude for past and present favours, still look to Him who holds the destinies of all men in his hands, for future blessings, and for wisdom to guide us in all our transactions.

A time of peace is a fit time to correct our errors, to cement our union, to make the necessary reform in our laws, and to recur to, and cherish the fundamental principles of our government. The fall of all former republicks, or their existing in name only, ought to be a sufficient caution to us to be watchful of our rights, and guard against every innovation dangerous to liberty.

It is a correct maxim, that virtue is the basis of a republican government; and where vice predominates, tyranny, in some shape, ensues. Virtue, therefore, ought to be the pole star to guide us in all our deliberations; and the whole system of law should be adapted to promote that vital principle. I entertain the highest confidence in you, gentlemen, that in all the appointments of officers, of which you are the electors, you will have regard to men of integrity and virtue as well as of information and talents. Did we possess the best possible system of human laws, yet, should they be disregarded, and remain unenforced by the civil magistrate, it would avail us nothing; vice would soon tyrannize over moral virtue, and destroy the best of human governments.

Education is among the first objects of a free people ; for a people who lose the knowledge of their rights will not long enjoy the fruits of liberty. A republican government is a government of the people; and the virtue and intelligence of the people are its security and its strength. It is, therefore, highly necessary that the great body of the people should be well informed, and that each individual should attain to such a degree of literature, as to be able, with proper attention, to secure his property, understand and guard his rights, and, if called to fill a publick station, or practice in any professional business, with due attention to his particular calling, to discharge his duty with advantage to himself, and satisfaction to the publick, in order that genius and talents be not smothered in ignorance, and their brightness and utility obscured by poverty. Notwithstanding a Franklin, and others, through indefatigable industry, and the peculiar favour of Providence, have risen from obscurity to eminence, yet, who can say how many men of vigorous talents,

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[1] From printed *Assembly Journal* of 1816, p. 15.

and natural capacities, have struggled in vain, and, leaving no testimony of usefulness, their names have passed into oblivion.

The great improvement in the education of youth in this state within a few years past, is truly gratifying. In our common schools, we experience the benefit of instructors from the colleges and academies, by which means numbers of good English scholars are daily emerging from our town schools.

If any further aid to science should be deemed necessary, I doubt not that it will receive all the encouragement that the present circumstances of the state will admit.

Encomiums on the government of our country, at this time, are unnecessary, since its benefits are so generally experienced and acknowleged by every prudent and virtuous citizen, and its strength and liberality, so recently tested. The constant emigration to this country from under the governments of Europe, is an evidence that we possess privileges and blessings, superiour to the other nations of the earth. It, therefore, becomes us to pursue such measures as will tend to strengthen our union, increase harmony and friendship, and perpetuate the blessings of our free, liberal, and happy government.

The cheerfulness with which the citizens of this State have paid their taxes, laid by the general government, in consequence of the expenses of the late war, which has so gloriously terminated in the exaltation of our national character, is a source of peculiar satisfaction. The diminution of taxes at the last session of Congress, and the present prospect of the continuance of peace, give us strong reason to hope that the direct tax will wholly cease after the present year; an object very desirable, considering the extreme scarcity of a circulating medium in this part of the union — but this we must submit to the sound discretion of the national government, while we manage with suitable economy the pecuniary affairs of our own State.

The depressed situation of our infant manufactories, since the return of peace, is a matter of serious concern. Any encouragement that can, consistently be given them, I trust, will not be withheld.

In compliance with a resolution of the General Assembly, passed at their last session, I lost no time in preparing, and sending, by Major Seth Cushman, who was appointed an agent for that purpose, an address to His Excellency Sir Gordon Drummond, then governor of the Province of Lower Canada, requesting the pardon and release of Samuel Hugh, a citizen of this State, who was then suffering punishment in one of the prisons in said Province, under a sentence of the hon. court of King's Bench, for the crime of man-slaughter; and I have the pleasure to inform you that his excellency, in a prompt and honourable manner, granted a pardon to the said Samuel Hugh, and caused him to be immediately released from his confinement, and restored to his family and friends.[1]

[1] Hugh was a citizen of Canaan, who, in 1815, on a charge of murdering David Morrill, a citizen of Canada, had been found guilty of manslaughter, and sentenced to be branded in the hand and to suffer imprisonment for six months. It is apparent that he must have suffered the sentence to a large degree. A committee of the General Assembly of 1815 reported that Hugh had been "wrongfully and unjustly convicted," and consequently lost most of his personal property, whereupon an act was passed granting Mrs. Hugh $1000, and a resolution adopted asking for a pardon to Hugh.—See printed *Assembly Journal* of 1815, pp. 110, 142; and *Laws* of 1815, p. 24.

It becomes necessary for the legislature to make provision for, and direct in what manner, electors shall be chosen, on the part of this state, to vote for a President and Vice President of the United States, to serve for the term of four years from and after the third day of March next.

By a law of the United States, approved April 20th, 1816, entitled "an act concerning field officers of the militia," it is provided, that from and after the first day of May then next, instead of one lieutenant colonel commandant to each regiment, and one major to each battalion, there shall be one colonel, one lieutenant colonel, and one major to each regiment of militia, consisting of two battalions; and when there shall be but one battalion it shall be commanded by a major. It, therefore, becomes necessary to pass a law of this State correspondent to the law of the United States, and that the field officers of the militia be commissioned accordingly. Any further improvement that you may deem expedient in the militia system, will meet with my warmest support; as I have ever considered a well disciplined and well furnished militia an object of the first importance in a free government.

I avail myself of this opportunity to inform you, that I have received a deed, executed by the Treasurer of this State, in compliance with an act of the legislature, to Capt. Thomas McDonough, of the navy of the United States, of a tract of land lying at Cumberland Head, in Plattsburgh, State of New York. I have addressed Capt. McDonough on the subject, but have not yet received his answer.

Several communications have been made to me by the executives of our sister States, relative to proposals of amendment to the constitution of the United States.

I have also received a letter from the Hon. De Witt Clinton, president of a board of commissioners, appointed by the legislature of the State of New York for the purpose of examining the ground between Lake Champlain and Hudson river, and reporting on the practicability of uniting those important waters by a canal navigation:—an object which, if practicable, would be very interesting to a great portion of the inhabitants of this State.

These communications I shall seasonably submit to your consideration by a special message.

The uncommon failure of some of the most important articles of produce, on which the sustenance of man and beast depends, is so alarming, that I take the liberty to recommend to you, and through you, to the people of this State, the most rigid economy in the early expenditure of those articles of provision most deficient, that by peculiar precaution we may avoid, as far as possible, the foreboded evil of this unparalleled season. [1]

On your wisdom and integrity, gentlemen, I shall firmly rely, for the judicious management of those weighty concerns, in which the interest of our constituents is deeply involved. Collected from the several towns throughout this State, you bring with you all the information necessary to legislate for the free and enlightened people you represent. Suffer me to solicit your kind support, while I cheerfully engage, on my part, to co-operate with you in all your endeavours to promote the best good of this State, and the general happiness of mankind. And may our joint efforts be attended with success. Jonas Galusha.

Montpelier, Oct. 11, 1816.

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[1] For a brief account of this remarkable season, see *Thompson's Vermont*, Part I, p. 20.

William Nutting, Levi Barnard, and Daniel Azro A. Buck were appointed to draft an answer to the foregoing speech. Mr. Barnard represented the minority of the House. The answer went far beyond the speech in respect to national politics, though condemning those in Congress who had "unnecessarily increased the public expenditures, in a time of unusual pressure," by greatly increasing the pay of Congressmen. This passage in the answer was due to John Mattocks, who moved an amendment, censuring the members of Congress who voted for, and "the President of the United States who approved" of the censured act. Though this amendment was rejected, 114 to 73, the address was amended so as to condemn the act without specially condemning the President. The answer was adopted, 111 to 82. — See printed *Assembly Journal* of 1816, pp. 132–136.

Speech of Gov. Galusha—1817.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives, —Permit me, on this occasion, with gratitude, to express the satisfaction I feel that the freemen of this State have so far approved my past conduct, as again to honour me with their confidence.

It is a source of peculiar gratification that we are convened under circumstances the most propitious. That universal gloom which fearful apprehensions of extreme want spread over the mind at the close of the last season, and the commencement of the present, has by the extraordinary frugality of the people, succeeded by the blessing of heaven, been happily dispelled, and the dreadful distress but lightly felt. We have abundant cause of gratitude to the Author of all our benefits for the luxuriant harvest of the present year, the unusual degree of health which has prevailed throughout this State, the general harmony existing among us, and above all, for the rich and recent spiritual harvest which, in many places, has been truly great.[2]

The deficiency of a circulating medium, owing to an increased emigration of our inhabitants to the west, who have converted their property into cash for transportation, and the unfruitfulness of past seasons, in addition to the common causes which uniformly produce a scarcity of money at the close of a war, has caused some serious embarrassments; but the industry and economy it has excited has nearly counterbalanced the evils experienced. By the pursuance of this prudent course, if attended with the ordinary smiles of Providence, we shall soon possess a suitable portion of circulating medium, without resorting to the ruinous system of paper credit. The act of last session making it penal to pass any bill or note of a less sum than one dollar, in lieu of money, has had its desired effect in preventing further impositions, without introducing any material evil.

No important political changes among foreign powers, affecting the interest of this, or the United States, have come to my knowledge since our last session. The nations of Europe remain settled on their lees.

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[1] From the printed *Assembly Journal* of 1817, p. 14.

[2] This is the first, and probably the only instance in which a governor of Vermont has alluded to revivals of religion in the annual message.

Happy would it have been had their contests terminated more favourably to the rights and liberties of the people. But notwithstanding some symptoms which excite fond, yet feeble expectations of amelioration of the condition of that long devoted country, multitudes of her inhabitants, awakened to a sense of their sufferings, and aspiring for liberty, are resorting to the United States, the only present asylum for oppressed and afflicted humanity. These emigrants, with many of our own citizens, are rapidly settling and cultivating the western wilds, where they will soon form a strong barrier against savage barbarities, and foreign encroachments.

The inhabitants of the southern part of this continent are still struggling for freedom and independence, the issue of which must decide the happiness or misery of millions of the present and succeeding generations. It will essentially affect not only our commercial states, but the world at large. Should emancipation be the event, we may rationally hope, ere long, to see arts and science, agriculture, commerce and manufactures flourishing throughout that vast, populous and fertile region, and every rank of its inhabitants in the full fruition of all the blessings of civil and religious liberty, unshackled by superstition, uncircumscribed by the edicts of kings. While we anticipate the prosperity of others, let us critically attend to all the probable means of heightening our own.[1]

Improvement in manufacturing is a subject so closely connected with the interest of this State, that it cannot fail of engaging your attention. It should be the policy of a State so remote from the great marts of the world, and not adjacent to the sea-board, to adopt every prudent measure to supply her wants by her own manufacture; by which means she prevents the emigration of many of her valuable citizens to other parts of the country to find employment, makes a neat saving of the expense of transporting that portion of provision consumed by the manufacturers, and turns the balance of exports and imports in her own favour. Little need be said to recommend an object of such apparent importance.

I would suggest for your consideration, the propriety of an early and thorough examination of the affairs of the State prison, to ascertain whether any improvement can be made in the employment of the convicts, or better economy introduced relative to the expense of their subsistence.

If the state of our finances will admit, I am of the opinion, that to purchase a stock of materials, prepare the proper machinery, and employ a part of the prisoners in manufacturing woolen cloth, would be more profitable than to employ so large a portion of the labourers in weaving cotton, especially while the depressed state of factories renders that business so disadvantageous. From the present value of woolen cloth, compared with the price of the raw materials, it is evident that a handsome saving might be made to the State by the manufacture of that article. I would also recommend the purchasing of a small tract of pasture land in the vicinity of the prison, for the purpose of keeping cows, which would be a means of furnishing the prisoners with a cheap and wholesome diet during the warm seasons of the year.

It will be found necessary, even if the present system of labour be continued, to erect additional workshops, unless some other mode of

[1] This refers to the revolution in a part of the South American provinces under Simon Bolivar y Ponte, who in 1821 became President of the Republic of Columbia, and later of Bolivia and Peru.

punishment, for crimes of small magnitude, should be deemed preferable to confinement in the state prison.

An elegant map of the state of Newhampshire has been, by that government, presented to the state of Vermont, which, with the laws of several of the sister states, I have caused to be transported to this place, to be deposited as the general assembly shall direct.

Sundry communications, from different departments of the general government, and from individual states, have been made to me during the last year. All those designed for your consideration will be seasonably submitted.

Permit me, gentlemen, before I close, to express the entire confidence I feel, not only in your intelligence and ability, but also in the purity of your intentions, to manage the concerns of your constituents in such a manner as shall tend to ensure their equal rights and promote their highest happiness. The importance of our trust will be realized when we compare our distinguished privileges with those of the people of any other country.

We find ourselves, after the most arduous and threatening conflicts, by the interposition of divine goodness, at peace with all nations, tranquil and happy among ourselves, and in the full participation of every right, whether moral, civil or religious.

It is the imperious duty of the legislature, as the faithful guardians of those sacred rights, under every circumstance, to watch over them with peculiar care, cherish every principle, and employ every means that tends to support and perpetuate them; among which may be ranked general information, industry, frugality, science, morality and pure religion. While these prevail, we may safely rely on the continuance of all the blessings of our free and equitable government.

Under these considerations, our attention will naturally be drawn to the promotion of education, in all its various branches, as the most powerful barrier against those errors of sentiment and practice, which corrupt, misguide, and enslave a people.

My best endeavours will be used to carry into effect such measures as you in your wisdom shall adopt. And may sagacity, prudence, unanimity and firmness characterize the proceedings of our present session.

Montpelier, October 10, 1817. JONAS GALUSHA.

Oct. 11, 1817, Hon. D. Azro A. Buck, of the House, moved that a committee of three be raised to draft and report an answer to the governor's speech, which was rejected — yeas 77, nays 109. The custom of responding to the annual speech or message of the governor, which had previously prevailed, has never been resumed.

SPEECH OF GOV. GALUSHA — 1818.[1]

Gentlemen of the Council, and Gentlemen of the General Assembly, — Having been called by the suffrages of a free people, and permitted by divine providence to assemble agreeable to the provisions of the constitution, to attend to the civil concerns of the State, it behooves us at all times, but more especially when acting under so important a trust, to look up to Him who has the hearts of all men in his hand, and is the disposer of events, for direction and support in attending to all the duties that devolve on us as guardians of the rights and privileges of the people.

[1] Printed *Assembly Journal* of 1818, corrected.

It is with peculiar pleasure I congratulate you on the present prosperity of the State and nation. Peace, health, and plenty are among the peculiar blessings with which we are favoured; while an apparent increase of morality, benevolence and piety, presage still happier times.

The recent dangers we have passed will be a sufficient monitor to keep alive in your hearts a sense of the necessity of union, and that watchful care and perseverance which are indispensable to the preservation of the rights and privileges of a free people. It would be folly in us to imagine that the only dangers to which a free people are exposed, exist in times of the most ardent struggles, when assailed by powerful foreign foes. This we have experienced and surmounted; but political experience demonstrates that the more fatal foe lurks in the heart of man; that secret ambition to aggrandize himself and promote his own private ends, chills his generous ardour for the concerns of his country; and his desire for the prosperity of his fellow citizens is too apt to lie dormant or smothered in his bosom; but I am unwilling to believe that the vital spark of patriotism and republican virtue is extinguished in the hearts of Americans. I appeal to you, Gentlemen, who are well versed in ancient and modern history, whether the fall of republics have not oftener happened in consequence of a slow decline of republican virtues and simplicity, and from internal divisions, than from any combination of kings and monarchs to overthrow them. In times of the greatest apparent security, the seeds of dissolution are often sown, and imperceptibly grow, until the roots become too strong to be eradicated.

These remarks, Gentlemen, are not made with a view to any political party, or particular individuals, or to discourage any laudable enterprise, but to check that aspiring ambition to which the human heart is exposed, and to prevent, in times of apparent safety, our lapsing into a state of inattention to our political concerns, through a natural propensity to ease, which sometimes proves dangerous. A people negligent of their rights will not long retain their liberties.

It behooves you, Gentlemen, not only to watch over the exigencies arising within this State, but carefully to guard against any encroachments on the sovereignties of the individual States, or infringements on the privileges reserved to them, or to the people.

A prudent legislature will critically examine every new subject that may be presented for their consideration, compare it with the first principles of our government, and trace it to its most probable effect in its fullest operation, in order to decide on its merits.

In acting on all private bills and petitions, a due regard to justice ought never to be dispensed with; and favors ought only to be granted when they do not interfere with the public good, or the interest and happiness of other individuals. In passing laws which are to have a partial operation, it will be well to keep in view that excellent maxim contained in our bill of rights, that "government is or ought to be instituted for the common benefit, protection and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community."

It would be trespassing on your time, if not on your patience, to attempt to call your attention to the several matters that will naturally fall under your consideration. The attention of former legislatures has been frequently occupied on the subject of education. A subject so interesting to the rising generation, and so necessary to the happiness, safety, and honor of the State, cannot easily escape the notice of this or any future Legislature. The subject of manufacturing, and the regula-

tion of the militia, are matters usually submitted to standing committees, therefore particular remarks on those subjects will be unnecessary.

Many useful improvements have been made in the State, while no considerable attempts have been made to improve our state of agriculture. Although we ought to rely as much as possible on home manufactures for a supply of manufactured articles, yet it must be acknowledged that the main source of our wealth and the subsistence of every class of citizens, must depend on the cultivation of the soil. When our farms were new and unimpaired by tillage, it was profitable to extend our labours and to cast our seed over a large portion of our soil, but as our lands become less productive by the frequency of crops, it is necessary that new modes of husbandry should be resorted to, in order to keep them in a fertile state, and that the different qualities of the soil be improved to the best advantage for tillage or grazing—which in all probability will require more labor and expence in cultivating an equal quantity of land, and of course prevent the too frequent emigration of the laboring class of our citizens. I do not expect that the state of our finances is such as to admit of expenditures on the subject; yet it is possible that something may be done that would prove useful, by authorizing patriotic and enterprising individuals to form into societies, with corporate privileges, for the beneficial purposes of advancing agricultural interests, encouraging manufactures, and improving our breed of domestic animals, within the several counties where it is deemed necessary. I am apprised that an agricultural society was incorporated in the year 1806, but this society being extended over the whole State, the members being so remote from each other, and the field for examination so extensive that it proved ineffectual, and now exists only in name. I am, however, of opinion, that societies formed within proper limits may, by experiments, proper researches, and correspondence with each other, prove highly beneficial; for, notwithstanding the spirit of industry and laudable enterprize that appears among our citizens, yet much remains to be done for the benefit of individuals, and the State, by a wise direction of their labors and expenditures, to the most profitable objects, and in the most useful and economical manner; but a treatise on the subject would, on the present occasion, be improper; a hint only is my design.

In selecting the officers to be appointed by the General Assembly, your own prudence will lead you to seek for men of integrity, and uprightness of conduct, as well as of competent capacity, to discharge the various duties attached to the several offices for which they are to be elected. It will be necessary at this session to elect a Senator from this State to the Senate of the United States, to serve for the term of six years from and after the third day of March next; and also to fill the vacancy in that body occasioned by the resignation of the Hon. James Fisk.

Sundry communications have been made to me since the last session of the General Assembly, for your consideration; all which shall be seasonably submitted.

Your own interest, and that of your constituents, will engage your speedy and faithful attention to the business of the session, and bring the same to a close as early as the nature and extent of the matters you may have under your consideration will admit. My best endeavours to second every measure you may adopt, to promote the public weal, will not be wanting; and it is my anxious desire, that a spirit of harmony and candor may prevail with us, and that the result of our doings may terminate in the best interests of the State, and meet the approbation of our constituents.

JONAS GALUSHA.

Montpelier, October 9, 1818.

Speech of Gov. Galusha—1819.[1]

Gentlemen of the Council, and Gentlemen of the General Assembly,— It is with pleasure that I meet you on the present occasion, at a time of so general prosperity, when not only our own state and country, but the nations of Europe, share liberally of the blessings of Providence. The last season has been peculiarly propitious, and the earth has yielded her increase in great abundance. It is also a subject of the most pleasing consideration, that our dear bought rights and privileges remain secure, and our labouring citizens yet reap the rewards of their own industry; and that peace and a good understanding continues between us and the nations with whom we have any considerable intercourse. Although some apprehension exists, that the arrangements with Spain, so happily concluded with their minister, will not be ratified on the part of the Spanish government, yet we entertain a hope, that further reflection will enable them to judge more correctly of their own interest, and put an end to the long existing disputes between the two governments, and settle a boundary line, which will prevent all danger of future disturbances.

While we enjoy a rich variety of distinguished favours we ought to reflect on them with gratitude, and render the most unfeigned praise to Him who so liberally bestows on us his richest blessings. Permit me, Gentlemen, to enquire, that while we enjoy all the means of wealth and happiness, so general a complaint of the scarcity of circulating medium, and the consequent distress of individuals, in discharging their private debts, and managing their own concerns, prevails? For a people possessing a rich and extensive territory, abounding with the fruits and productions of almost every clime; with an unshackled commerce throughout the habitable world; possessing genius and enterprise exceeded by no other people on earth, to be in distress for want of a sufficient portion of [circulating] medium, is a subject that calls loudly for investigation and reform. Amongst the various causes, the want of economy, in my opinion, is the most prominent. The unlimited credit given in this country, in almost every branch of business, to say nothing of the banks, proves the ruin of too many valuable citizens, of every class and profession in society. The frequent bankruptcies, suspensions, and commitments to county jails, sufficiently prove the fact. I am sensible that this great and growing evil cannot be wholly remedied by acts of legislation; yet I am persuaded, that every wise and virtuous legislature will study and promote economy, whenever it is consistent with justice, and that benevolence which is due to our fellow creatures.

Suffer me, Gentlemen, to submit for your consideration, the propriety of passing a law freeing the body of debtors from arrest and imprisonment on debts of a small amount, which may be contracted after a given time, in future. I am of opinion, that more property is spent in collecting small debts by law, especially when the body is taken in execution, than the amount of debts saved by such collection. I also believe that it would discourage credit where it ought not to be given, and produce punctuality in those who obtain it; yet the only safe remedy against embarrassment or poverty, is a retrenchment of family expenses, and lessening the consumption of articles of foreign growth and manufacture. Much may be done by encouraging home manufactures by legislative provisions; but the most powerful of all means is that of example. Let but one influential citizen from each town in this state, return from this legislature to his constituents, with a rigid determination to abandon

[1] From the printed *Assembly Journal* of 1819, corrected.

the unnecessary use of foreign articles, and while he enjoys all the real comforts and actual conveniences of life, reject everything that is superfluous; his fellow citizens would soon emulate his example and exhibit an improved state of society. General information is indispensably necessary to the preservation of a free republican government; but this cannot be retained if the great body of the people, through want of economy, indulge their propensities in the use of superfluities, and become poor and unable to educate their children. The patronage of the wealthy will never be extended indiscriminately to the children of the whole community. Even that source will diminish where extravagance prevails.

If I am not mistaken, in those states where the banks are the most numerous, and the means of credit the most easy, the recent cry of scarcity of medium, and its consequent distresses, have been the most heard and felt. This, Gentlemen, deserves some attention, if petitions to increase the number of banks in this state should be preferred. Although I wish equal privileges to be extended to every part of the state, yet I am confident that a multiplicity of incorporated banks in a state will prove injurious to the community if ruinous to each other.

In compliance with the constitution of this state, a Council of Censors must be chosen, on the last Wednesday of March next; it therefore becomes necessary for the General Assembly, at their present session, to pass a law regulating the choice of said Council, and appointing a place for their first meeting.

It will be requisite to elect a number of trustees of the University of Vermont, to fill the vacancies of those whose times [terms] of office will expire on the last day of November next. I would likewise further suggest for your consideration, the propriety of granting some further pecuniary aid to the University, in order to enable its officers to render it eminently useful, and truly honourable to the state; at least until the land granted or sequestered, for that purpose, can be leased and produce that revenue to the University, which was expected, and which, I hope, will soon be realized.

The act for ascertaining certain claims of this state against the United States, and for obtaining the same, has been duly attended to, but has not yet been decided on. It was late in the last session of Congress before all the necessary papers could be forwarded, agreeably to [the] information received from our representatives, relative to the evidence that would be wanted to substantiate the claims. The papers now lie with the third auditor in the treasury department, for adjustment. I expect a settlement soon after our representatives arrive at Washington, at the next session, if it is not before.

I am informed by L^t Bangs of the U. S. Ordnance department, at Vergennes, that he has been directed by the senior officer of that department to deliver to the executive of this state, six hundred and seventeen stands of arms; being a part of this state's proportion, under the law of the United States approved April 23^d, 1808, making provision for arming the whole body of the militia of the United States. The arms are to be distributed to the militia, under such rules and regulations as shall be, by law, prescribed by the legislature of each state and territory. The General Assembly will, therefore, make such order relative to the disposition of said arms, as they judge most expedient. L^t Bangs will deliver the arms at any place in this state, where they can be transported by water; but is not authorized to remove them to any place by land carriage.

All communications that have been made to me, during the recess of

the legislature, will be the subject of a special message, and seasonably communicated.

I cannot, Gentlemen, close this address, without expressing to you, and through you to the freemen of this state, the grateful sense I entertain of the honour bestowed on me in electing me to the office of chief magistrate of this state. The repeated assurance of their confidence has added new obligations to improve my feeble ability in promoting their best interests. Notwithstanding I have laboured under many disadvantages, yet I have the approbation of my conscience, that I have endeavoured to be faithful, and that I have never suffered my private interest to interfere with my public duties. And, if errors have been committed, I entreat my fellow citizens to cast over my failings the mantle of charity, and consider them errors in judgment and not in design. I have always thought it wrong in a republican government, to make too frequent changes of men in office, lest it check that laudable ambition to acquire that knowledge which is necessary to discharge the duties of the office with honour to themselves, and for the best good of the state. But I consider it an equal, if not a greater error, to continue any persons in the most important offices in the state, for such a length of time as to encourage them to conceive that they ought to hold their offices by prescription, and lose that sense of that responsibility to their constituents that every officer in a free government ought at all times to feel; nor until old age imperceptibly steals upon them, and renders them less adequate to perform the duties of their office, than they themselves imagine. From these considerations, and from the great desire I have to spend the residue of my life in domestic retirement, I recommend to the freemen of the state to unite on some other person to perform the duties of chief magistrate, after the expiration of the term for which I have been recently elected. Yet be assured, that my zeal for the public good will never cease but with my reason or my life. I hope thro' the aid of an indulgent Providence and your kind support, to be able to discharge the duties of my office to acceptance during the present year, and, at the close of the same, to have the pleasure of bidding you a friendly farewell. JONAS GALUSHA.

Montpelier, October 15, 1819.

VALEDICTORY ADDRESS OF GOV. GALUSHA, AND RESPONSE OF THE GENERAL ASSEMBLY—1820.

On retiring from office, Oct. 13 1820, Gov. Galusha briefly addressed the Joint Assembly, and on the succeeding day, on motion of Joseph D. Farnsworth of Fairfield, a committee consisting of himself, Calvin Sheldon of Manchester, and Charles K. Williams of Rutland, was appointed to request a copy of the valedictory and draft a response. On the 20th, the committee reported the following address, which was adopted and ordered to be presented by Messrs. Farnsworth and the Hon. Elias Keyes of Stockbridge.

STATE OF VERMONT.

IN GENERAL ASSEMBLY, Oct. 20, 1820.

To the Hon. Jonas Galusha, Sir,—On receiving from you an affectionate farewell, and witnessing your retirement from public employment to the pursuits of private life, The General Assembly cannot forbear to express their feelings. Conscious, however, that to you, sir, it would

not be pleasing, they forbear that warmth of expression, which, on other occasions, they would indulge: but, a short review of your past life gives rise to emotions which we cannot suppress. The expression is due, both to you, and to our fellow citizens.

On a review of the events of the memorable struggle of our fathers for Independence, we find you, in early life, on the banks of the Walloomsack, with your patriotic band, teaching their hands to war, and their fingers to fight.

Most of us recollect, with satisfaction, the period when, by the suffrages of your fellow citizens, you were called to assist in the Council of this state.

In the discharge of the duties of a member of Council, of a Judge, and of a Chief Magistrate of the State, you have ever merited, and often received, in language unequivocal, the approbation of your fellow citizens. Cheerfully, and with liberal hands, have they presented you with their best gifts, the highest honors they could bestow.

And now, sir, at a period, chosen and indicated by yourself, when enjoying the fullest share of public confidence, you retire from your public labors to participate, as a private citizen, in the welfare and prosperity of that commonwealth, over the interests of which you have so long watched with paternal care. May your virtues make a deep and lasting impression on the hearts of your cotemporaries. Our best wish will attend you in your retirement, and our most earnest prayer will be continually offered, that your last may be your best days ; and that that beneficent Being, who was the hope of Israel, may be your guardian, God, and friend through life, and your portion forever.

[Signed, by order of the General Assembly,] D. Azro A. Buck,
Speaker of the House of Representatives.

On the same day the committee reported the answer and valedictory, to wit :

Hon. D. A. A. Buck, *Speaker of the House of Representatives :*

Sir,—I have received the resolution of the General Assembly, passed at the present session, requesting a copy of my address to both houses, at the time I retired from the executive chair ; it was ex tempore and intended only as a brief expression of my gratitude to my fellow citizens for the numerous favours they have bestowed upon me. I comply with the request, and transmit the remarks I made on that occasion.

Permit me, also, to present my warmest acknowledgments to the General Assembly for the kind and affectionate manner in which they have been pleased to express their approbation of my public conduct and character; and I desire them to be assured, that I shall ever esteem it my highest reward.

I have the honor to be, with great esteem, your most obedient servant,
Jonas Galusha.

[Valedictory Address.]

Gentlemen of the Council, and Gentlemen of the General Assembly,— The time has arrived when I close my official duties as first magistrate of this State. I should do violence to my feelings were I to retire without expressing a grateful sense of past favours. The frequent assurances of the confidence of my fellow citizens, the support and assistance that I have received from them, at all times, while in the exercise of my official duties, has made such impressions on my mind, that time will not remove them, and I trust that I have not been altogether unmindful of the public good. I am sensible, gentlemen, that it is no longer my duty

to point out to you the various subjects that require your attention, but all such communications as have been made to me the past year, and other matters which have transpired and are necessary to come before you, will be communicated through his excellency the governor elect. Permit me to tender to you my best wishes for your prosperity, as well as that of the State at large. And may that being who presides over the destinies of men, and manages the affairs of the universe, direct your steps, and reward all your endeavours to promote the highest happiness of your constituents; and may you finally receive the welcome plaudit of well done good and faithful servants. JONAS GALUSHA.

Montpelier, Oct. 20, 1820.[1]

The Governor and Council also adopted, by a unanimous vote, a complimentary address to Gov. GALUSHA, and another to Lieut. Gov. BRIGHAM, for which see *ante*, pp. 301, 324.

SPEECH OF GOV. SKINNER — 1820.[2]

Gentlemen of the Council, and Gentlemen of the House of Representatives, — Having been called to that office, the duties of which I have now, in the presence of the General Assembly, sworn faithfully to perform; in conformity to ancient usage, and the requirements of the constitution; as the organ of the Supreme Executive Power; and to prevent unnecessary delay in the business of legislation; I have taken this early opportunity of inviting your attention to some of those subjects, the investigation of which is deemed important, and to present to your consideration, such ideas thereon, as have been suggested to my mind. The faithful services of those practical, able, and venerable politicians, and statesmen, who have preceded me in the office of chief executive magistrate of the State, and upon whom a similar duty has hitherto for many years devolved; forbid the expectation of proposing any measure of moment, which shall be new and useful. My highest ambition will be gratified, in being convinced, that the public interest has not suffered by reason of the trust reposed in me: and be assured, its advancement demands, and shall receive, the unremitted exertion of all my faculties.

The frequent alteration of public statutes is justly considered an evil, seldom counterbalanced by the benefits resulting therefrom. The best evidence the representatives of the people can give, of their faithfulness, and intelligence, is a reluctant and careful approach at innovation. In the practical use of this doctrine, and to resist a false application of the principle, great watchfulness is necessary.

That our laws are susceptible of improvement, is not to be questioned; and that the influence of such as have an interest opposed to that of the community, should be exerted, in preventing salutary amendments to the laws, is as natural, as that it should be exercised, in procuring the passage of such as are unjust.

To provide for the impartial, speedy, and correct administration of justice, ought to be amongst the first objects of a Legislature; for in vain do the people submit to the imposition of taxes, raised to defray the expenses of a government, formed for the protection of their rights; and in vain do the representatives of the freemen enact laws against

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[1] Printed *Assembly Journal* of 1820, pp. 23, 24, 49, 56.

[2] Printed *Assembly Journal* of 1820, pp. 11.

vice, immorality, and injustice, if adequate means are not provided for carrying them into effect.

Many complaints have been made, of the delay and expense, incident to prosecutions for redress in our Courts of Justice; and a determination has been repeatedly manifested by the Legislature, to suppress every attempt made for increasing costs, by passing useful laws to that end. Yet it is believed the principal evil has not, until the last session, been in any measure removed; and it still remains worthy of serious enquiry, whether a further remedy may not be applied. It is difficult to discover what possible advantage can result, from enabling suitors, to claim as matter of *right*, on the trial of a question of fact, more than one verdict of a jury. There can be no presumption that a second panel will be more capable, or more disposed to impartiality. The privilege of New Trial, secures against accident, surprise and injustice. The extravagant expense, and great delay, occasioned under the former system, in which a party was required to obtain in his favor, two verdicts in three, before his right was established, has been checked; and it no longer remains an object to succeed in the first trial; consequently the delay, and expense incurred, in requiring a party to commence, and pursue to judgment his suit, in a court where the judgment confers no benefit, appears useless.

The framers of the Constitution contemplated the erection of a Court of Chancery distinct; and there are many who consider it the duty of the Legislature to exercise the power conferred. Yet the necessity, and expediency, of the measure is questionable. That some further provision ought to be made, is apparent. The inconvenience experienced under the existing law, arises from the want of authority in the Judges of the Supreme Court, to perform any duty as Chancellors, excepting at the regular sessions; and the many intermediate steps, requisite to be taken, in a suit in Chancery, necessarily protracts the final hearing and decree to a period unwarrantable.

When it is understood, that the amount actually expended from time to time, in the prosecution of suits in the courts of justice, far exceeds all that is required to sustain every department of the government; and when it is recollected that the Bill of Rights declares that "every person ought to obtain right and justice freely, and without being obliged to purchase it; completely and without any denial, promptly and without delay," the subject cannot fail to excite a deep interest; and any degree of solicitude may be manifested without reproach. The Judiciary is that on which the character of a State vitally depends, and the degree of confidence reposed in a government is measured by the rank it sustains.

The subject of taxation is one to which the attention of the Legislature has been frequently directed, and although it is generally believed, that the intention to equalize the burden, by the act of the last session, is not effected; yet with little amendment, there can be no doubt, the system will have been greatly improved. A standard, by which the relative value of improved lands in the State may be ascertained, and the particular state of improvement which shall render it subject to assessment, seems to be indispensable.

The settlement of the estates of deceased persons, has become a matter of serious concern, inasmuch as the title to the greatest portion of real estate in the State, is bottomed on proceedings in our Courts of Probate; and the rights of widows and orphans are here deposited. A careful attention to the laws, regulating the settlement of testate and intestate estates, that they may be rendered as perfect as possible, is desirable. Much difficulty and embarrassment arises, from the circum-

stance that the whole system of our law on the subject, is, and ought to be, essentially different, from the laws of that government, whence we derive the common law. Our Judges of Probate ought to be men of ability and integrity; and no inconsiderable evil arises, from a frequent change of officers in that department.

It may perhaps be an useful enquiry, whether the general encouragement, that has been given, to the pursuing, and returning of offenders, who have fled from justice to distant parts of the United States, and who frequently are transient persons, and violators of the laws of other governments as well as our own, is consistent with sound policy. And whether it would not be advisable, that a law should be passed, hereafter requiring the sanction of some of the officers of the government; without which the State will not defray the expense.

The relation in which this State stands to the general government, its welfare being identified with that of the United States, all the important measure adopted by Congress, become highly interesting to us. Justice to ourselves dictates, and a long course of practice sanctions, the propriety of the Legislature's expressing the sentiments, they entertain, on subjects which essentially concern the nation; and more especially, of instructing their Senators, and advising the Representatives in Congress, as to the course they ought to pursue.

The act of the last session of Congress, authorizing the inhabitants of a portion of the territory of the United States, to form a state government, without a provision in its constitution, restricting the power of enslaving a part of the human family, has caused general surprise through the State, and excited feelings of sincere regret. The report of the committee on this subject, which was adopted by the House, and at the close of the last session dismissed, it is presumed, furnishes no evidence of the opinion of that respectable body. Indeed could I entertain a doubt, as to the feelings of the people of Vermont, I should not have troubled you with communicating my own.[1]

Whether at this period, it is advisable for the Legislature to adopt any measure on the subject, considering the question at rest; or in view of its being again agitated, on the constitution's being submitted, for the sanction of Congress; or in view of any feature of that constitution, which may be opposed to those equal rights, and privileges, professed to be guaranteed, by the republican principles of the government, is submitted to the wisdom and discretion of the General Assembly.

The period has arrived, in which it becomes our duty to elect a Senator, to represent this State in the Congress of the United States. That we may possess that influence, and weight of character, at the seat of government; and sustain that rank in the Councils of the nation, which is desirable, and to which we are entitled; the first talents and ability ought to be sought to fill the office. It is also to be recollected, that the trust is not only of great moment, but of long duration; the character therefore to be selected, ought to be such, as by a long course of tried patriotism, and inflexible integrity, a pledge is furnished, that public interest will not be bartered to private gain. Electors of President and Vice President are also to be appointed.

In the election of officers to fill the several departments of the State government, we ought not only be guarded against the influence of that

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[1]The Governor here referred to the Missouri question in Congress, and the failure of an attempt in the legislature of Vermont in 1819 to adopt anti-slavery instructions to the State's delegation in Congress.—See *Appendix* F.

aspiring unwarrantable ambition which openly assails; but also of that which may be generated, by a restless, disappointed, envious spirit, which lurks in secret and attacks unawares.

There will probably be received from my predecessor in office, communications from the General and State governments, of a nature which ought to be submitted to the General Assembly, which, together with such other matters, as shall be my duty to lay before you, will be made the subject of a special message.

The hitherto enviable prosperity that has pervaded this State, the wisdom and prudence with which its councils have been distinguishingly marked, the urbanity, and sobriety which characterize the great body of its citizens, has rendered us a truly respectable and happy people; and may we not confidently hope, that by duly regarding the example of our venerable and worthy ancestors, and humbly, and religiously reposing our trust in that SUPREME BEING, who holds the destinies of nations in his hands, and directs their course, who searches all hearts, and without whose agency the most minute act is not performed, we may not only hold fast the favors now enjoyed, but rise in prosperity as our years increase. RICHARD SKINNER.

Oct. 1820.

SPEECH OF GOV. SKINNER—1821.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives, — Again, under the auspices of an overruling Providence, we have been permitted to convene, as the representatives of the people, invested with the power of legislation delegated by the enlightened freemen of the State; for the purpose of discharging the duties incident to the important trust; and I can but indulge the hope, that [the] improved state of our public statutes—the absence of political dissension and party strife—the spirit of unanimity which generally is manifested; and by a humble reliance upon the guidance and favor of the Supreme Being, by whose peculiar regard we have hitherto been distinguished; we shall be enabled to perform the service with unusual harmony and all that dispatch, which is not inconsistent with temperate deliberation.

From the local situation of the State; the pursuits of the inhabitants being almost exclusively agricultural; and the general prevalence of regular economical industrious habits, but few subjects are presented which require the attention of the legislature.

The recent revision of the act regulating and governing the militia of this State, will, it is presumed, render it unnecessary that much time should be occupied on that subject; my observation, however, in relation to its operation, induces me to suggest the propriety, of adopting some measures, by which the services of the most effective, and useful, of that part of the citizens, who are supposed to constitute the force on which the State depends for its defense, may be secured. I allude to the facility with which commissions and discharges are obtained, by young gentlemen the most promising and who, from their influence, ability, and ambition, if retained, would greatly augment, the number of those, who are the pride and ornament of the militia.

The necessity of having returns of the state of the militia regularly made is apparent; and whether any farther provision in the law, on that head, will tend to remedy the evil, arising from the habitual neglect of this duty, is submitted to your consideration.

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[1] From the printed *Assembly Journal* of 1821, corrected.

The declaration of the Council of Censors, that the law regulating the rate of interest, is "grossly and openly violated," corroborated by the testimony arising from common observation, inspires the hope, that the legislature will, by an early attention to the subject, be enabled to act definitively thereon. Altho' it is the general opinion, and in which I fully concur, that laws calculated to limit the demands of money-lenders, are beneficial to society; I am well persuaded, that if, as the Council of Censors allege, the existing law does not afford an *effectual* remedy but "is violated by a large proportion of our monied citizens," instead of answering any useful purpose, it is productive of serious evil. As a general principle, it is inexpedient to retain upon the records of the State an inefficient law. The statute referred to, was designed principally for the benefit and protection of the necessitous—to shield against the oppression of the wary capitalist, those who, from embarrassed circumstances, are compelled to apply for pecuniary aid to others, who possess the means. The premium that is now paid, for the supposed risk of incurring the penalty, would not be extorted, if from the provisions of the law, there was no prospect of escape, or if it was wholly repealed; and in either case, the exemplary citizen, who from principle conforms to the law, would enjoy an equal privilege with him whose avarice is restrained only by necessity.

The unhappy effects of ignorance, and its attendants, superstition, and immorality, which we daily witness in other nations, especially in their abortive attempts, and impotent struggles, against the relentless rule of those, whose power is measured by the degrees of disparity, between their attainments in knowledge, and that of their subjects; occasions a frequent recurrence to the approved maxim of freemen, that "a general diffusion of useful knowledge, and improved state of science, afford the best security to civil and religious liberty." As guardians of the State and of the interests of its citizens, it is our duty to adopt such measures, as will most effectually secure to posterity, the peculiar blessings of that free government, which by our ancestors has been wisely established, and faithfully transmitted to us. A diligent and persevering attention to the education of our children, is that without [which], we cannot expect the people will long retain a republican form of government. These remarks have not been elicited by any evidence of a want of regard to the subject on the part of the General Assembly, or from a belief, that in point of learning, the youth of this State are surpassed by any; but by the testimony of the Council of Censors, that the act of A. D. 1810, for the support of schools, has not been duly executed, and that the interference of the Legislature is required.

As the State possesses no public fund from which any portion of the current expenses of the government are defrayed, or to which resort can be had, in times of great pressure upon the pecuniary concerns of the people, and a direct appeal to them in the form of a tax, is resorted to annually; the General Assembly cannot too frequently be reminded of the necessity of a practical and careful attention to economy in public expenditures.

At a period like the present, when the price of every commodity produced in the State, is depressed almost beyond example, it will afford me the highest satisfaction to aid, in every measure calculated to advance the great interest of agriculture.

As remittances for foreign manufactured articles, cannot be made by us, as heretofore, in the usual products of the State; the success of our manufactures is becoming an object of deep interest, not only to those who are more immediately concerned, by an investment of their property, but to the great body of the citizens.

I am not insensible that the subject is one over which the State Legislatures have but little control; and that the proceedings of Congress are necessarily embarrasssed, by the great diversity of interest, in the different sections of this extensive country for which they are required to legislate. I am also aware, that a difference of opinion exists, amongst those who are immediately engaged in the business of manufacturing, as to the propriety of any further interference on the part of the government; and that at present, property applied to this object, probably produces an income beyond that of any other. If the citizens engaged in the business, already possess peculiar advantages, and any further encouragement afforded by the government, should operate exclusively to their advantage, the measure would be unjust; but if this encouragement, should have the effect, greatly to increase, not the profits, but the number of manufactures and manufacturing establishments, and thereby produce a competition which does not now exist — to measurably change the course of agricultural pursuits, now so unprofitable, by inviting the growth of, and furnishing a home market for raw materials, as also a market for that surplus produce which has heretofore been exported; and to secure amongst us a specie currency; there can be no doubt of its wisdom and justice.

It will be necessary that the act dividing the State into districts, for electing representatives to Congress, should be repealed, or suspended, at the present session of the legislature; as the ratio of representation, under the late census, will probably be changed before the next session; and the number of representatives, to which we are entitled, may not be the same. It will also be necessary to provide for the second district, in which no election has been made. It may not be improper to observe that the repealing of the statute of A. D. 1818, may perhaps operate as the revival of the former statute.

In obedience to the direction of the Legislature at their last session, I appointed Horace Everett Esq. to revise the laws relating to the probate of wills, and settlement of testate and intestate estates; from whom I have recently received, and will forthwith transmit to you his report.

I have received from the States of Maryland, and New Hampshire, certain resolutions, accompanied by the very able reports of committees of their respective legislatures, upon the subject of appropriating public lands, for the purposes of education; requesting the co-operation of this legislature, and which will be duly transmitted to you. Should the General Assembly approve the principle, they will, it is believed, feel no delicacy in making the claim on behalf of the people of Vermont, for perhaps none in the United States, in proportion to their ability, contributed more to the acquisition of those rights, which were purchased by the toils, distresses, and sacrifices of the revolutionary war. Situated upon the frontier, they constituted a barrier between the enemy and the confederated States. Not having then been acknowledged as a member of the confederation, no part of the expense they incurred in the war, has been assumed by the general government, while they have participated in the burden of the funded debt.

The attention of the legislature of this State, as well as of the several States, has been requested by the General Assembly of the State of Ohio, to the report of the committee, and certain resolutions of the General Assembly approved and adopted, at their last session, upon a subject of vital importance to the interests and safety of the Union; and which shall be seasonably laid before you. In complying with my duty, in making this communication, I forbear attempting an investigation of the subject, from a conviction, that any views which would be suggested, as the result of that examination, and consideration, I have been enabled

to bestow upon it, have already been fully anticipated by you; inasmuch as the public have long since had their minds directed thereto; and have been favored with the labored expositions of learned jurists, and able statesmen; and more especially, as the important question embraced, occupied the solicitous attention of this legislature at their session in October, A. D. 1799; and upon which their opinions were unequivocally declared.[1] Permit me then to recommend to your dispassionate consideration, the matters contained in the report and resolutions; and to express my belief, that although Vermont would be the last to submit to an encroachment made by either branch of the general government, upon those rights and powers which are reserved to it as a free state, and would be prompt in the exercise of all legal, and constitutional means, to resist every aggression; and whatever may be the opinion, as to the correctness of the decision of the Federal Court, in the case referred to; yet that we shall not readily adopt the opinion, that the several States, which compose the Union, sustain the character of independent sovereignties, in the sense, that no power short of that which is physical, is supposed to exist, by which, a constitutional question, arising from an incongruity in the acts of the general and state governments, can be decided.

The late acquisition of a territory, designed by nature as a constituent part of the Union; and over which the united demands of interest, and security, require the jurisdiction of the government to extend; furnishes evidence of the wisdom, and inspires confidence in the uprightness of the administration.

The favorable issue of this protracted negociation, with the Spanish Government, has left the United States, in relation to all foreign powers, upon a footing, which promises permanent peace, and friendly intercourse.

While rejoicing in this propitious aspect from abroad, the mind that is duly impressed with a just sense of the value of our civil institutions, that has in any measure surveyed the wretched state of other nations, and is not ignorant of the causes that have dissolved republics, is naturally inclined to enquire, whether there are any grounds of anxiety at home—any recognition of doctrines subversive of the government; and notwithstanding some may imagine, they can discover tokens of dissolution, in the manifestations of increasing jealousy, towards the authorities of the general goverment; it would be with extreme reluctance, that I could permit myself to believe, that the time had arrived, in which any considerable portion of the citizens, would forget the necessity of restraining unwarrantable suspicion, of smothering the first glimmering of the torch of discord, and the expression of extreme solicitude, for the preservation of a confederacy, which is our only guaranty, against the degradation incident to despotism, and that which alone can secure us, from becoming in the end, the subjects of foreign domination.

RICHARD SKINNER.

Oct. 12th, 1821.

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[1] The Kentucky and Virginia resolutions of 1798 are here referred to. See Vol. IV, pp. 525-529.

APPENDIX B.

BOUNDARY LINE BETWEEN NEW YORK AND VERMONT,

FROM THE SOUTH-WEST CORNER OF VERMONT TO POULTNEY RIVER.

By an act of the Legislature of New York passed 8th June 1812, and an act of the Legislature of Vermont passed 6th of November 1812, commissioners were appointed and authorized to designate a permanent boundary line between the two States, who reported as follows:

TO ALL TO WHOM THESE PRESENTS SHALL COME.[1]

Be it known, That in pursuance of an act of the Legislature of the State of New York entitled "An Act to designate and establish the boundary line between this State and the State of Vermont," passed 8th June 1812, appointing Smith Thompson, Simeon DeWitt and George Tibbits commissioners for the purpose expressed in the said act on the part of the state of New York, and an act of the Legislature of the State of Vermont, entitled "An Act to designate and establish the boundary line between this state and the state of New York passed November 6th 1812, appointing Joseph Beeman, Junior, Henry Olin and Joel Pratt 2d, commissioners for the purposes expressed in the last mentioned act, on the part of the state of Vermont, The said commissioners so appointed respectively on the part of the state of New York and on the part of the State of Vermont have, as hereinafter described, designated, by permanent monuments, the boundary line between the said states from the south-west corner of the State of Vermont to Poultney river, as nearly as is practicable, according to the description thereof in an instrument bearing date the seventh day of October in the year of our Lord one thousand seven hundred and ninety,[2] executed by the commissioners empowered to declare the consent of the Legislature of the State of New York to the formation of the territory therein described into a new state by the name of the State of Vermont, to wit: BEGINNING, at a rough stone set up and marked on the west side N. Y. and on the east side V. supported by a heap of stones on the brow of a high hill descending to the west and at the distance of fifty chains on a course north eighty two degrees west from the north-west corner of the State

[1] From Ms. *State Records*, Vol. I, p. 5.

[2] For the instrument referred to see Vol. III, pp. 459, 460.

of Massachusetts and running thence northerly in a straight line to a point, which is distant ten chains on a course south, thirty five degrees west from the most westerly corner of a lot of land, which is distinguished on the records of the town of Pownal in the state of Vermont dated 30th May 1780, as the fifth division of the right of Gamaliel Wallace and now owned by and in the occupancy of Abraham Vosburgh, then north, thirty five degrees east to said corner and along the westerly bounds of said lot thirty chains to a place on the westerly bank of Hosick river, where a hemlock tree heretofore stood, and is noticed in said records as the most northerly corner of said lot; then north one degree and twenty minutes west six chains to a hewn marble stone marked on the west side,

NEW YORK 1813 and on the east side VERMONT 1813

standing on the westerly side of Hosick river on the north side of the highway leading out of Hosick into Pownal and near the northwesterly corner of the bridge crossing said river; then north twenty seven degrees and twenty minutes east, thirty chains, through the bed of the said river to a large roundish rock on the northeasterly bank thereof; then north, twenty five degrees west sixteen chains and seventy links; thence north, nine degrees west eighteen chains and sixty links to a white oak tree at the south west corner of the land occupied by Thomas Wilsey; then north eleven degrees east, seventy seven chains to the north side of a highway where it is met by a fence dividing the possessions of Thomas Wilsey, Junior, and Emery Hunt; then north forty six degrees east six chains; then south sixty six degrees east, twenty six chains and twenty five links; then north nine degrees east, twenty seven chains and fifty links to a blue slate stone anciently set up for the southwest corner of Bennington and "1813" lately cut on it, then from the southwest corner of Bennington north, seven degrees and thirty minutes east: At one mile a chesnut oak sapling in woods marked M. 1. on ground descending northwest: At two miles a red oak stake marked on the east side M. 2. about ten links east from an apple tree: At two miles forty three chains and eighty links a hewn marble stone, marked on the west side

NEW YORK 1813. and on the east side VERMONT 1813,

and set up on the south side of the highway leading from Hoosick four corners to Bennington village and on the northerly side of a hard maple tree: At three miles a maple stake marked M. 3. standing thirteen links west of a marked beach tree: At four miles an ironwood stake marked M. 4. standing on a lime stone ridge: At four miles and eight chains a hewn marble stone marked on the west side

NEW YORK 1813. and on the east side VERMONT 1813.

and set up on the south west side of a highway leading from Hosick four corners to Shaftsbury: At five miles a horn beam stake marked M. 5, set up on the north bank of a stream of water running easterly and twenty links east of a marked horn beam sapling: At six miles a butternut tree about one chain west of the west side of Waloomsack river and marked on the south side M. 6. and on the west side 1813. At six miles and fifty two chains a white marble stone erected on an intervale at the northwest corner of the town of Bennington and the southwest corner of the town of Shaftsbury and lettered on the east side "BENTN. N. W. CORNER"; then along the west bounds of Shaftsbury, north, eight degrees and twenty minutes east: At seven miles a pine stake in a

meadow marked M. 7: At seven miles and five chains a hewn marble stone marked on the west side

NEW YORK 1813 and on the east side VERMONT 1813

and set up on the south side of a highway leading out of Hoosick into Shaftsbury, one chain south, eight degrees and twenty minutes west from the middle of the front door of the dwelling house of John Matthews. At eight miles a white oak stake marked M. 8. on the east side of a highway at the northwest corner of Elihu Cross's orchard: At eight miles and fifty two chains a hewn marble stone marked "NEW YORK & VERMONT State Line 75 rods to ELIAS HUNTINGTON'S Stone Factory," and set up on the north side of the highway leading from the meeting house in Shaftsbury to the meeting house in Little White Creek: At nine miles a chesnut post or penstock marked M. 9. twenty five links east of a small marked maple tree: At nine miles, seventy one chains and sixty seven links a hewn marble stone marked on the west side

NEW YORK 1813 and on the east side VERMONT 1813

and set up at the south side of a high way running out of Cambridge into Shaftsbury: At ten miles, about twenty links east of a sumac stake marked M. 10: At ten miles and fifty nine chains a hewn marble stone marked on the west side

NEW YORK 1814 and on the east side VERMONT 1814

and set up on the northeast side of a highway leading from Shaftsbury west hollow into Cambridge: At eleven miles a chesnut stake marked M. 11: At twelve miles in the middle of three hard maple saplings marked M. 12. on a steep easterly descent: At thirteen miles a small beach tree, marked M. 13: At thirteen miles, sixteen chains and fifty links an old marked, beach sapling at the northwest corner of the town of Shaftsbury and southwest corner of the town of Arlington and also marked 1813:—Then north nine degrees east, at fourteen miles, a basswood tree marked M. 14, standing on the north side of a mountain. At fourteen miles, thirty seven chains and seventy links a hewn marble stone marked on the west side

NEW YORK 1814. and on the east side VERMONT 1814.

and set up on the north side of a highway, leading out of Cambridge into Arlington: At fifteen miles a red oak stump marked M. 15: At sixteen miles a poplar sapling marked M. 16. At sixteen miles and fifty chains a common stone marked on the west side N. and on the east side V. set up on the north west side of a high way, leading out of Cambridge into Arlington: At seventeen miles a red oak stake marked M. 17. set up at the north end of a stone wall of William Nicholson: At seventeen miles, fourteen chains and thirty links a hewn marble stone marked on the west side

NEW YORK 1814 and on the east side VERMONT 1814.

and set up on the north side of a highway leading out of Cambridge into Arlington: At eighteen miles a chesnut oak stake marked M 18, standing two chains north of a hard maple tree in this line marked 1813, which tree is thirty links north of a spring of water running west. At eighteen miles, forty eight chains and fifty links a hewn marble stone marked on the west side

NEW YORK 1814 and on the east side VERMONT 1814

and set up on the north side of a highway leading from Arlington to the turnpike road in Cambridge. At nineteen miles a red oak tree marked M 19. At nineteen miles and fifty one chains a large pile of stones, about one chain west of the summit of a very high mountain, at the northwest corner of the town of Arlington and the southwest corner of the town of Sandgate ; then north nine degrees east : At twenty miles a large red oak tree marked M. 20 : At twenty one miles a chesnut oak stake marked M 21 : At twenty one miles and sixty nine chains a hewn marble stone marked on the west side

NEW YORK 1814 — and on the east side — VERMONT 1814.

and set up on the north side of a highway leading out of Sandgate into Salem: At twenty-two miles a red oak stake marked M 22 : At twenty-three miles a white ash sapling marked M 23 : At twenty four miles a hard maple tree marked M. 24 : At twenty five miles a white stake marked M 25: At twenty five miles and five chains a hewn marble stone marked on the west side

NEW YORK 1814 — and on the east side — VERMONT. 1814

set up on the north side of a highway leading out of Sandgate into Salem. At twenty five miles forty seven chains and ten links to a hewn marble stone marked on the west side

NEW YORK 1814 — and on the east side — VERMONT 1814

and set up on the north west side of a highway leading southwesterly out of Sandgate into Salem : At twenty six miles a small white oak tree on a mountain marked M 26 : At twenty six miles and nineteen chains a maple stake and heap of stones, at the north west corner of the town of Sandgate and south west corner of the town of Rupert about ten links south west from a beech tree marked on the west side 1813, on the north side I. Beeman, and on the east side W. M. M. Then north eight degrees east. At twenty six miles and seventy eight chains a hewn marble stone marked on the west side

NEW YORK 1814 — and on the east side — VERMONT 1814

and set up on the northwest side of a high way called the Vermont turnpike road, leading from Rutland soutwesterly to Salem village : At twenty seven miles a pine board stake marked M 27 : At twenty seven miles and sixty chains to the top of a small rock on high ground south, twenty five degrees west, twenty two links from a wild cherry tree marked 1813 ; then north, ten degrees and fifteen minutes east. At twenty eight miles a point ten links west of a walnut sapling marked XXVIII : At twenty eight miles and ten chains a hewn marble stone marked on the west side

NEW YORK 1814. — and on the east side — VERMONT 1814.

and set up on the south west side of a highway, leading north west out of Rupert into Hebron. At twenty eight miles, thirty five chains and fifty links an old marked hard maple tree; then north nine degrees and fifteen minutes east. At twenty eight miles, fifty five chains and twenty links a large hollow black oak stump; then north eight degrees and forty five minutes east. At twenty nine miles a red oak stake marked M. 29. At thirty miles a point twelve links west of a small red oak tree marked M. 30. At thirty miles, sixty six chains and sixty links a hewn marble stone marked on the west side

NEW YORK 1814 — and on the east side — VERMONT 1814

and set up on the south side of a highway, leading out of Rupert into Hebron. At thirty one miles a red oak stake marked M 31. At thirty two miles, a shag bark walnut sapling marked M 32. At thirty two miles, seventy three chains and sixty links a stake and stones, at the north west corner of the town of Rupert and the south west corner of the town of Pawlet six links south of a beach tree marked on the west side NEW YORK and on the east side VERMONT; then north, eight degrees east: At thirty three miles a cherry birch tree marked M 33; At thirty three miles, forty two chains and eighty links a common stone marked N on the west side and V on the east side and set up on the north west side of a highway leading out of Pawlet into Hebron. At thirty four miles a sumack tree marked M 34 on the top of a rocky ridge. At thirty five miles a soft maple sapling stump marked M. 35. having sprouts growing out of it at the top. At thirty five miles, forty three chains and twenty links a hewn marble stone marked on the west side NEW YORK 1814 and on the east side VERMONT 1814 set up on the north west side of a highway leading south west out of Pawlet into Hebron. At thirty five miles, fifty three chains and fifteen links a hewn marble stone marked on the west side

NEW YORK State LINE 1813 and on the east side VERMONT State LINE 1813.

and set up on the south west side of a highway, leading north west out of Pawlet into Granville. At thirty six miles a wild cherry tree marked M 36. At thirty seven miles an iron wood stake marked M 37. At thirty seven miles, seven chains and fifty links a hewn marble stone marked on the west side NEW YORK 1814 and on the east side VERMONT 1814 and set up on the north side of a high way leading out of Pawlet westerly into Granville: At thirty eight miles, a walnut sapling marked M 38:— At thirty nine miles, a point twenty links west of three small elm trees branching from one trunk about one foot above the ground, the southernmost of which is marked M 39: At thirty nine miles, eleven chains and forty links a hewn marble stone, marked on the west side NEW YORK 1814 and on the east side VERMONT 1814 and set up on the north side of a highway leading from Pawlet to North Granville village: At thirty nine miles, twenty four chains and seventy five links a white oak stake and stones on the east side of a stone wall, at the north west corner of the town of Pawlet and the south west corner of the town of Wells, five links west of a large flat stone laid on other stones sunk in the ground and inscribed on both sides with the letters W. P. then north seven degrees and thirty minutes east: At forty miles a soft maple stake marked M 40. At forty one miles a large flat stone set in the ground and marked M 41. At forty one miles, twenty five chains and fifty links a hewn marble stone marked on the west side NEW YORK 1814 and on the east side VERMONT 1814 and set up on the north west side of the turnpike road leading from Granville to Hubberton. At forty two miles a point fourteen links east

of a black ash sapling in a swamp and marked M 42: At forty three miles a red elm stake marked M 43, south of a hemlock tree marked in like manner: At forty four miles a point four links west of a small black birch tree standing on level ground in the woods and marked M 44. At forty five miles a black ash tree standing in a swamp and marked on the south side M 45, on the west side N. Y. and on the east side V. At forty five miles and thirty one chains a large white pine tree marked on the south side O. M.—A H—E M—Wills [Wells?] and on the north side S. B. Poultney October 1764 and standing at the north west corner of the town of Wells and the south west corner of the town of Poultney, then north seven degrees east: At forty six miles, a point fifteen links west of a small elm tree marked M. 46: At forty six miles five chains and eighty links, a hewn marble stone marked on the west side

NEW YORK 1814 and on the east side VERMONT 1814

and set up on the south side of a highway leading out of Poultney into Hampton: And at forty six miles, forty three chains and fifty links a bunch of horn beam saplings on the south bank of Poultney river, the northernmost of which is marked on the west side 1813 and the next on the east side I. B. and on the west side W. M. M. whence a large butternut tree bears north seventy degrees west thirty links, a large hard maple south two chains and eighty six links and a white ash tree on the north side of said river north seventy seven degrees east: All which courses are according to the present magnetic meridian.

In testimony whereof — the said commissioners have hereunto set their hands and affixed their seals on the twenty fifth day of October in the year of our Lord, one thousand eight hundred and fourteen.

Signed and sealed by Simeon DeWitt Joseph Beeman Jun & Joel Pratt 2d in presence of Wm McManus Isaac Loomis	Smith Thompson	Seal
	Simeon DeWitt	Seal
Signed, sealed and delivered by Smith Thompson and George Tibbits in presence of Wm McManus	George Tibbits	Seal
Signed, sealed and delivered by Henry Olin in the presence of Ezra Hoyt Saml Strong	Joseph Beeman Jun	Seal
	Henry Olin	Seal
	Joel Pratt 2d	Seal

Addison County ss. Decr 23, 1814 } Personally appeared Henry Olin signer of the above written instrument and acknowledged the signing and sealing to be his free act and deed.

Before me Saml. Strong Judge.

State of New York ss. Be it remembered that on the twenty sixth day of October in the year of our Lord one thousand, eight hundred and fourteen before me William McManus one of the Masters in the Court of Chancery of the said State, [came personally] Simeon DeWitt, Joseph Beeman junior and Joel Pratt 2d three of the commissioners namedin the foregoing instrument, to me well known, and severally acknowledged that they had signed, sealed and delivered the said instrument as their free act and deed respectively, for the uses and purposes therein contained. And I, having examined the same and finding therein no erasures, interlineations or obliterations except those noted, do therefore allow the same to be recorded so far as respects the execution thereof by them. Wm. McManus.

STATE OF NEW YORK ss. Be it remembered that on the twenty first day of November in the year of our Lord, one thousand eight hundred and fourteen before me William M^cManus one of the masters in the Court of Chancery of the said State came personally Smith Thompson and George Tibbits two of the commissioners named in the foregoing instrument, to me well known, and severally acknowledged that they had signed, sealed and delivered the said instrument as their free act and deed, for the uses and purposes therein contained: And I, having examined the said instrument and finding therein no erasures, interlineations or obliterations, except those noted, do, therefore, allow the same to be recorded so far as respects the execution thereof by them.

WM M^cMANUS.

STATE OF VERMONT. Secretary of State's office, Woodstock August 30, 1825.

The foregoing is a true record of the original on file in this office.

NORMAN WILLIAMS, *Secretary of State.*

APPENDIX C.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

Proposition to reduce the term of office of United States Senators.

By message, dated Oct. 20 1814, Gov. Chittenden transmitted letters from the Governors of Pennsylvania and Tennessee covering proposed amendments to the national constitution which had been agreed to by those States. The papers were referred in the house to a committee consisting of Nathaniel Niles, Chauncey Langdon, David Edmond, and Royal Corbin; and William Hall jr. was joined from Council. This committee reported the following resolution, which was agreed to by both houses without a division:

Resolved, That the legislature of Vermont, having duly considered the amendment of the constitution of the United States, proposed by the legislatures of Tennessee and Pennsylvania, to reduce the term of service of a Senator in Congress from six to four years, from the time they enter upon the duties of their appointment, deem it inexpedient to adopt the proposed amendment; and that his excellency the governor be requested to transmit a copy of this resolution to the executives of the several states.[1]

Amendments recommended by the Hartford Convention.

Oct. 20 1815, Gov. Galusha communicated to the House letters from the Governors of Massachusetts, Connecticut, New York, and Pennsylvania, covering resolutions on amendments to the national constitution proposed by Massachusetts and Connecticut, which were referred to a committee of the whole with the following result:

In General Assembly, Nov. 1, 1815.

The order of the day was called for on the communication of his Excellency, of the 20th October last, and the accompanying papers; and the House went into committee of the whole, Mr. [Elihu] Luce in the

[1] Printed *Assembly Journal* of 1814, pp. 18, 58, 61, 132.

chair, and shortly after, the committee rose and reported the following resolutions, viz.

Whereas the Legislature of Massachusetts has proposed the following amendments to the Constitution of the United States: [here followed the seven amendments recommended by the Hartford Convention, copied *post*, pp. 464, 465 :]

Resolved, By the General Assembly of the State of Vermont, That it is inexpedient to concur with the said Legislature in the amendments aforesaid.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of the Senators in the Congress of the United States, and to the Executive of each State in the Union, with a request that the same be laid before the Legislature thereof.

Which they recommended to have adopted by the House; and the report was accepted, and the resolutions adopted, ordered to be engrossed, and sent to the Governor & Council for their revision and concurrence and proposals of amendment.

Nov. 7, 1815, these resolutions were concurred in by the Governor and Council. [1]

Proposals to elect Members of Congress, and Electors of President and Vice President, by districts.

By message dated Oct. 18, 1816, Gov. Galusha transmitted to the General Assembly several letters from Governors of other States, covering resolutions on proposed amendments, on all of which Vermont had previously acted excepting as hereinafter indicated. These papers were referred to a committee consisting of William Strong, Stephen Royce jr. [late Chief Justice, and Governor,] and D. Azro A. Buck. Vermont at that time elected its members of Congress by general ticket, and the General Assembly appointed the Presidential electors. Two members of the committee were of the dominant party in the State, one having just retired from Congress, and the other subsequently serving in that body. In view of these facts, the report of the committee was remarkable. It was as follows :

To the General Assembly, now sitting.—Your committee, to whom was referred the consideration of the communication from the governor of the state of North Carolina, containing proposals by the legislature of said state, for an amendment of the constitution of the United States, relative to the election of representatives to congress, and electors of president and vice president of the United States, therein mentioned, be leave to report—that in our opinion the amendment aforesaid ought to take place, and, therefore, your committee recommend for adoption, the following resolutions, viz.

The legislature of North Carolina [2] having proposed the following, as an amendment to the constitution of the United States :

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[1] Printed *Assembly Journal* of 1815, pp. 45, 117.

[2] It appears from the Governor's message that Massachusetts had made a similar proposition, for which see *post*, p. 458.

"That, for the purpose of choosing representatives in the congress of the United States, each state shall, by its legislature, be divided into a number of districts equal to the number of representatives to which such state may be entitled.

"Those districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants, entitled by the constitution to be represented. In each district, the qualified voters shall elect one representative, and no more.

"That, for the purpose of appointing electors of president and vice president of the United States, each state shall, by its legislature, be divided into a number of districts, equal to the number of electors to which such state may be entitled.

"These districts shall be composed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants entitled by the constitution to representation. In each district, the persons qualified to vote for representatives, shall appoint one elector and no more.

"The electors when convened, shall have power, in case any of those appointed, as above prescribed, shall fail to attend for the purpose of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another or others to act in the place of him or them so failing to attend.

"Neither the districts for choosing representatives, nor those for appointing electors, shall be altered in any state, until a census and apportionment of representatives under it, made subsequent to the division of the state into districts, shall change the number of representatives and electors to which such state may be entitled.

"The division of states into districts, hereby provided for, shall take place immediately after this amendment shall be adopted and ratified as a part of the constitution of the United States; and successively afterwards, whenever by a census and apportionment of representatives under it, the number of representatives and of electors, to which any state may be entitled, shall be changed.

"The division of such state into districts, for the purposes, both of choosing representatives, and of appointing electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion."

Resolved, by the general assembly of the state of Vermont, That it is expedient to adopt the said amendment.

Resolved also, That the governor be, and he hereby is requested, to forward to the executives of each of the states in the Union, and to each of our senators and representatives in Congress a copy of the above preamble and resolutions; and that our said senators be instructed, and our representatives requested, to use such means as to them may seem expedient, to cause the amendment aforesaid to be proposed by Congress to the legislatures of the several states for their adoption.

Which is submitted. WILLIAM STRONG, *for Committee.*

Montpelier, Oct. 30, 1816.

This report was made the order for the afternoon of Nov. 1, but was not reached until Nov. 5, when it was referred to the next session.[1]

At the session of 1817 the foregoing report came up as unfinished business and was referred to a committee consisting of David Edmond, Jonas Clark, Elihu Luce, and Samuel Swift of the House, and Pliny Smith of the Council. Oct. 27 this committee reported that the resolu-

[1] Printed *Assembly Journal* of 1816, pp. 69, 70, 164, 197.

tion of North Carolina, with another of New Jersey on the same subject, should be referred to the next session, and it was so ordered ; but at the same time they reported in favor of adopting a resolution of Massachusetts, as follows :

Whereas the legislature of the state of Massachusetts did, on the 13th day of February, A. D. 1816, propose to the several other states, an amendment to the constitution of the United States, as follows, to wit :

"That for the purpose of choosing representatives in the congress of the United States, each state shall, by its legislature, be divided into a number of districts, equal to the number of representatives to which such state may be entitled.

"Those districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants, entitled by the constitution to be represented. In each district, the qualified voters shall elect one representative, and no more.

"That for the purpose of appointing electors of president and vice president of the United States, each state shall, by its legislature, be divided into a number of districts, equal to the number of electors, to which such state may be entitled.—Those districts shall be composed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants, entitled by the constitution to representation. In each district the persons qualified to vote for representative, shall appoint one elector and no more. The electors, when convened, shall have power, in case any of those appointed, as above prescribed, shall fail to attend, for the purposes of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another, or others, to act in the place of him or them so failing to attend.

"Neither the districts for choosing representatives, nor those for appointing electors shall be altered, in any state, until a census and apportionment of representatives, under it, subsequent to the division of the state into districts, shall be made. The division of such state into districts, for the purposes both of choosing representatives, and of appointing electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion."

And whereas it appears to be expedient to adopt the said amendment to the constitution of the United States,—Therefore, *Resolved, by the General Assembly of the State of Vermont*, That our senators in Congress be instructed, and our representatives requested, to use their exertions to procure the passage of the foregoing amendment.

Resolved, That his excellency the governor of this state be, and he is hereby requested to transmit a copy &c.

Which was read and made the order for to-morrow forenoon.

This order was not reached until Nov. 4, when the following entry was made on the Assembly journal:

The order of the day was called for, on the report of the committee, upon the amendment of the constitution of the United States, proposed by the state of Massachusetts, the report accepted, and the resolutions reported by the committee adopted.

Nov. 6, 1817, the Governor and Council nonconcurred in the foregoing resolution of the Assembly, and sent down a resolution declaring it to be *inexpedient* to adopt the proposed amendment; and in this the

General Assembly *concurred*.[1] That the Assembly voted on both sides of this question, within three days, is explainable by the fact that that body was for the principle embodied in the amemdment early in the session, but subsequently became nearly equally divided. Contemporaneous with this amendment was a proposition to divide this State into congressional districts. Oct. 23, 1817, Hon. William Nutting of Randolph introduced a resolution declaring it to be "expedient at this time to divide this state into six districts, for the purpose of electing representatives to the Congress of the United States;" which the Assembly adopted, Oct. 24, by yeas and nays—yeas 120, nays 73. A bill for this purpose was reported, and on the 31st of Oct. Uriel C. Hatch of Cavendish moved that it be referred to the next session, which was defeated by one vote, 88 to 87. And Nov. 1, Mr. Hatch moved to dismiss the bill, which was agreed to, 87 to 72.[2] The legislature adjourned without day on the 7th of November. It is obvious that the discordant decisions of the Assembly on the 4th and 6th of November were snap judgments, in the usual hurly-burly of a closing session. Probably there was no time for debate, or even to take the yeas and nays. Substantially this amendment of the constitution had been agreed to by Vermont in 1801.—See Vol. IV, p. 432.

Important modification originated and proposed by Vermont.

This subject was further considered by the Legislature of 1818, on the resolutions of North Carolina and of several other states, which were referred on the 10th of October to a committee consisting of Jonathan Robinson,[3] Jonas Clark, Daniel Chipman,[3] William Strong,[3] John Phelps, and Henry Olin of the House, and Thomas Hammond of the Council. This committee reported the following resolutions, Oct. 26, 1818, which were adopted by both houses.

State of Vermont. The committee to whom was referred the resolutions from the States of New Jersey, North Carolina, New York, Connecticut, Massachusetts, and New Hampshire, proposing an amendment to the constitution of the United States, report the following resolutions.

Resolved by the General Assembly of the State of Vermont, That, for the purpose of choosing representatives in the congress of the United States, each state shall, by its legislature, be divided into a number of districts equal to the number of representatives to which such state may be entitled. The districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants, entitled

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[1] Printed *Assembly Journal* of 1817, pp. 22, 69, 70, 127, 173, 191; and *ante*, p. 207.

[2] The same, pp. 100, 112, 149, 154.

[3] Mr. Robinson had previously served in the U. S. Senate, and Messrs. Chipman and Strong in the House.

by the constitution to be represented. In each district, the qualified voters shall elect one representative, and no more. That, for the purpose of appointing electors of president, and vice president, of the United States, in each district entitled to elect a representative in the congress of the United States, the persons qualified to vote for representatives, shall elect one elector, and no more. The additional two electors, to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct. The electors, when convened, shall have power, in case any of them appointed as above prescribed, shall fail to attend, for the purposes of the said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another, or others, to act in the place of him or them so failing to attend.

Neither the districts for choosing representatives, nor those for appointing electors shall be altered in any state, until a census and apportionment of representatives under it, subsequent to the division of the states into districts, shall be made. The division of the states into districts hereby provided for, shall take place immediately after this amendment shall be adopted and ratified as a part of the constitution of the United States ; and successively, immediately afterwards, whenever a census and apportionment of representatives under it shall be made. The division of each state into districts for the purposes, both of choosing representatives, and of appointing electors, shall be altered agreeable to the provisions of this amendment, and on no other occasion.

Resolved, That our senators in the congress of the United States, be instructed, and our representatives requested, to endeavour to obtain the said amendment to the constitution of the United States.

Resolved, That his excellency the governor of this State be requested to forward a copy of the preceding resolutions to each of our senators and representatives in the congress of the United States ; and also to the governors of the several states, with a request that the same may be laid before their respective legislatures, for their consideration and adoption. Respectfully submitted, THOMAS HAMMOND, *Chairman.*

IN GENERAL ASSEMBLY, Nov. 10, 1818.

Adopted and ordered to be engrossed and sent to the governor and council for concurrence. WM. D. SMITH, *Clerk.*

IN COUNCIL, Nov. 11, 1818.

Resolved to concur in passing these resolutions.

R. C. MALLARY, *Secretary.*[1]

PROPOSED AMENDMENT AS TO COMPENSATION OF MEMBERS OF CONGRESS.

In 1817 Gov. Galusha transmitted to the General Assembly an amendment proposed to the national constitution by Kentucky, which was referred to the committee on the proposition as to the election of representatives in Congress and Presidential electors. The committee reported the following resolutions:

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[1] Printed *Assembly Journal* of 1818, pp. 18, 19, 22, 42, 98, 165, 171 ; *ante*, pp. 217, 246; and printed *Laws of Vermont*, 1818, public acts, pp. 107–109.

In General Assembly, Oct. 27, 1817.

Whereas the State of Kentucky has proposed for the consideration of this legislature a certain amendment to the constitution of the United States, viz. That no law varying the compensation of the members of congress of the United States, shall take effect, until the time for which the members of the house of representatives of that Congress by which the law was passed, shall have expired—Therefore,

Resolved by the general assembly of the state of Vermont, That it is inexpedient to adopt said amendment.

Resolved, That the governor of this state be, and he is hereby requested, to transmit &c.

Which were read and adopted.

Nov. 4, 1817, the Governor and Council concurred.[1] This proposition was in substance the second of the twelve amendments to the constitution proposed to the several states by the first Congress. Vermont agreed to it in 1791, but it did not receive the assent of the requisite number of States.—See Vol. iv, p. 426.

Proposed limitation of the power of Congress to erect or incorporate a bank, &c.

At the session of 1820, the Governor transmitted a proposition from Pennsylvania, which was referred to a committee consisting of Phineas White, Jonas Clark, John Roberts, and Elias Keyes of the House, and Lieut. Gov. Cahoon of the Council. The proposed amendment is quoted in the following report of the Committee:

To the Honorable General Assembly now sitting.—Your committee, to whom was referred his excellency's communication marked A, containing communications from the governors of several states, relating to a proposed amendment to the constitution of the United States, proposed by the legislature of the state of Pennsylvania, March, 1819, do respectfully recommend the adoption of the following resolutions, viz.

In General Assembly, November 7, 1820.

Resolved, The governor and council concurring herein, that it is inexpedient to concur in the amendment to the constitution of the United States, proposed to the consideration of the several states by the state of Pennsylvania, which is as follows, viz. "Congress shall make no law to erect or incorporate any bank, or other monied institution, (except within the district of Columbia,) and every bank, or other monied institution, which shall be established by the authority of Congress, shall, together with its branches and offices of discount and deposit, be confined to the district of Columbia."

Resolved, That the governor of this state be requested to transmit copies &c.

Which report was read and accepted, and the resolution adopted.

The Governor and Council concurred.[2]

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[1] Printed *Assembly Journal* of 1817, pp. 69, 70, 126; and *ante*, p. 205.

[2] Printed *Assembly Journal* of 1820, pp. 29, 31, 175, 225.

APPENDIX D.

VERMONT OPPOSED TO THE HARTFORD CONVENTION.

Oct. 25, 1814, Gov. Chittenden transmitted to the General Assembly letters from the Governor, and the presiding officers of the Senate and House of Massachusetts, covering resolutions of the Legislature of that State, which invited Vermont, with other New England States, to send delegates to the convention to be holden at Hartford, Conn., in the succeeding December, since styled "The Hartford Convention." These documents were referred to a select committee of six to join from Council, which consisted of William Hall jr., Nicholas Baylies, and John W. Chandler of the Council; and Messrs. Nathaniel Niles of Fairlee, Chauncey Langdon of Castleton, Henry Olin of Leicester, Asa Lyon of Grand Isle, John Phelps of Guilford, and David Edmond of Vergennes, of the House. Both Houses were controlled by the Federalists, and of the foregoing committee six were Federalists, and three, Messrs. Niles, Olin, and Phelps, Jeffersonian Republicans. The committee and both Houses were unanimous in the opinion that it was inexpedient to comply with the invitation from Massachusetts. There seems to have been no discussion in either House, but it is certain that there was full discussion among the Federalists. On the authority of the late Gen. EZEKIEL P. WALTON, who was then editor of the Federal organ at Montpelier, the editor of this volume records the fact that the question was considered and determined by the Federalists in caucus. For this decision the Hon. DANIEL CHIPMAN, who was then Speaker of the House, claimed for the Hon. NATHANIEL CHIPMAN a controlling influence.[1]

[1]Neither as a politician, nor as a statesman, was the subject of this memoir one of those who are aptly termed difficult men, but was always disposed to compromise by yielding all minor points,—ever considering it his duty to support the best practicable measures. He seemed to be entirely free from that egotistical obstinacy, which is so injurious in public, and so troublesome in private life. But, whenever any measure was proposed which he deemed a departure from settled principles, he seemed to be instinctively opposed to it; especially if he deemed it a violation of constitutional principles, or as establishing a precedent which might prove injurious to the government. In this light he

The report of the committee, and action thereon in both houses, follow.

IN GENERAL ASSEMBLY, Nov. 2, 1814.

To the honourable General Assembly, now sitting—Your committee to whom was referred the communication from the president of the senate, and the speaker of the house of representatives of the Commonwealth of Massachusetts, accompanied by certain resolutions of their general court, inviting the legislature of this state to appoint Delegates, if they should deem it expedient, to meet and confer with such Delegates as may be appointed from other states of New-England, or any of them—unanimously report, that in their opinion, it is inexpedient to appoint delegates, to meet at the time and place and for the purposes expressed in said resolutions. — They therefore recommend the adoption of the accompanying resolutions. WILLIAM HALL, Jun. *for Committee.*

Whereas his excellency the governor of this state has communicated to this assembly a circular letter from the legislature of the commonwealth of Massachusetts, with certain resolutions of their general court, requesting this legislature to appoint delegates to meet with delegates from the other states of New-England, or any of them, at Hartford, in the state of Connecticut, on the fifteenth day of December next, to confer on various important subjects, and devise and suggest for adoption, by those respective states, such measures as they may deem expedient: Therefore,

Resolved, That having attentively considered the request of the general court of Massachusetts, it is the opinion of this house that the appointment of Delegates in conformity with that request, is not expedient.

Resolved, That his Excellency be requested to transmit, as soon as may be, a copy of these resolutions to the executive of the Commonwealth of Massachusetts.

Which report was read and accepted, and the resolutions, reported by the committee, adopted, and sent to the governor and council for concurrence.

IN COUNCIL, Nov. 4, 1814.

Resolved, To concur with the House in their said resolution.[1]

Nothwithstanding Vermont thus declined representation *as a State* in the most formal manner, Hon. WILLIAM HALL Jr., who as chairman of the committee made the foregoing *unanimous* report, did sit and act in the convention. The Secretary of State, JOSIAH DUNHAM of Windsor, also attended, but was not admitted to a seat. The *Vermont Republican* of Dec. 1814, published at Windsor, thus explained the case:

A meeting has been got up in Windham County, composed of a few Lawyers, Doctors, and Merchants, at which a delegate [Mr. HALL] has been chosen, contrary to the expressed feelings of the people, declared by the unanimous voice of their representatives. It is, moreover, rather extraordinary that the Honorable Secretary of State * * * has gone as a delegate *without being sent by any body.*

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viewed the proposition for the Hartford Convention. When, therefore, in October 1814, he received information, at his residence in Tinmouth, that a proposition would be made in the legislature, then in session at Montpelier, to appoint delegates to that convention, he immediately set out for Montpelier, arrived there in season, and, by his influence, the measure was suppressed.—*Life of Nathaniel Chipman*, pp. 110, 111.

[1] Printed *Assembly Journal* of 1814, pp. 76, 84, 129; and *ante*, p. 94.

A correspondent of the *Boston Patriot*, writing from Hartford Dec. 19 1814, and the *American Mercury* [Hartford] of the next day, stated that Mr. DUNHAM had been refused a seat and returned to Vermont.

RESOLUTIONS OF THE HARTFORD CONVENTION.[1]

Resolved, That it be and hereby is recommended to the legislatures of the several states represented in this convention, to adopt all such measures that may be necessary effectually to protect the citizens of said states from the operation and effects of all acts which have been or may be passed by the Congress of the United States which shall contain provisions subjecting the militia or other citizens to forcible drafts, conscriptions, or impressments not authorized by the Constitution of the United States.

Resolved, That it be and hereby is recommended to the said legislatures, to authorize an immediate and earnest application to be made to the government of the United States, requesting their consent to some arrangement whereby the said states may, separately or in concert, be empowered to assume upon themselves the defence of their territory against the enemy; and a reasonable portion of the taxes collected within said states may be paid into the respective treasuries thereof and appropriated to the payment of the balance due said states and to the future defence of the same. The amount so paid into the said treasuries to be credited, and the disbursements made as aforesaid to be charged to the United States.

Resolved, That it be and hereby is recommended to the legislatures of the aforesaid states, to pass laws (where it has not already been done) authorizing the governors or commanders-in-chief of their militia to make detachments from the same, or to form voluntary corps, as shall be most convenient and conformable to their constitutions, and to cause the same to be well armed, equipped, disciplined, and held in readiness for service; and upon the request of the governor of either the other states, to employ the whole of such detachment or corps, as well as the regular forces of the states, or such part thereof as may be required and can be spared consistently with the safety of the state, in assisting the state making such request to repel any invasion thereof, which shall be made or attempted by the public enemy.

Resolved, That the following amendments of the Constitution of the United States be recommended to the states represented as aforesaid, to be proposed by them for adoption by the state legislatures, and in such cases as may be deemed expedient by a convention chosen by the people of the states. And it is further recommended, that the states shall persevere in their efforts to obtain such amendments until the same shall be effected:

First. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers of free persons, including those bound to serve for a term of years, and excluding Indians not taxed and all other persons.

Second. No new state shall be admitted into the Union by Congress, in virtue of the power granted by the Constitution, without the concurrence of two-thirds of both Houses.

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[1] Cluskey's *Political Text Book*, pp. 248, 249.

Third. Congress shall not have power to lay an embargo on the ships or vessels of the citizens of the United States, in the ports or harbors thereof, for more than sixty days.

Fourth. Congress shall not have power, without the concurrence of two-thirds of both Houses, to interdict the commercial intercourse between the United States and any foreign nation, or the dependencies thereof.

Fifth. Congress shall not make nor declare war, or authorize acts of hostility against any foreign nation, without the concurrence of two-thirds of both Houses, except such acts of hostility be in defence of the territories of the United States when actually invaded.

Sixth. No person who shall hereafter be naturalized, shall be eligible as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under the authority of the United States.

Seventh. The same person shall not be elected President of the United States a second time ; nor shall the President be elected from the same state two terms in succession.

Resolved, That if the application of these states to the government of the United States, recommended in a foregoing resolution, should be unsuccessful, and peace should not be concluded, and the defence of these states should be neglected, as it has been since the commencement of the war, it will in the opinion of this convention, be expedient for the legislatures of the several states to appoint delegates to another convention to meet at Boston, in the state of Massachusetts, on the third Thursday of June next, with such powers and instructions as the exigency of a crisis so momentous may require.

Resolved, That the Hon. George Cabot, the Hon. Chauncey Goodrich, and the Hon. Daniel Lyman, or any two of them, be authorized to call another meeting of this convention, to be held in Boston, at any time before new delegates shall be chosen as recommended in the above resolution, if in their judgment the situation of the country shall urgently require it.

Hartford, Jan. 4th, 1815.

Signed by George Cabot, Nathan Dane, William Prescott, Harrison G. Otis, Timothy Bigelow,[1] Joshua Thomas, Samuel S. Wilde, Joseph Lyman, Stephen Longfellow jr., Daniel Waldo, Hodijah Baylies, George Bliss, [*of Massachusetts;*] Chauncey Goodrich, James Hillhouse, John Treadwell, Zephaniah Swift, Nathan Smith, Calvin Goddard, Roger M. Sherman, [*of Connecticut;*] Daniel Lyman, Samuel Ward, Edward Manton, Benjamin Hazard, [*of Rhode Island;*] Benjamin West, [*of Cheshire County, N. H.;*] Mills Olcott, [*of Grafton County, N. H.;*] William Hall, jr. [*of Windham County, Vt.*]

The foregoing amendments to the Federal Constitution were adopted by the legislatures of Massachusetts and Connecticut and transmitted to the several States. At the session of 1815 the legislature of Vermont rejected them.—See *ante*, p. 455.

[1]Son of the first grantee of Montpelier, Vt.

APPENDIX E.

VERMONT IN THE WAR OF 1812.

Detached Militia.

War with England was declared by act of Congress of June 18 1812.[1] Two months previous, April 10 1812, Congress authorized the President to detach one hundred thousand militia, to be organized and held in readiness to march at a minute's notice, and to serve six months after arriving at the place of rendezvous.[2] May 28th 1812, the Secretary of War apportioned three thousand to Vermont;[3] and on the 1st of May Gov. Galusha issued the following order:[4]

STATE OF VERMONT.

Head-quarters, Shaftsbury, May 1, 1812.

GENERAL ORDERS.

The Commander in Chief of this State is required, by the President of the United States, to take effectual measures for having three thousand of the militia of Vermont detached and duly organized, armed and equipped according to law, and held in readiness to march at a moment's warning.

HIS EXCELLENCY therefore orders and directs that this detachment shall form one brigade to consist of four regiments, to be formed into ten companies each—eight of infantry, one of artillery, and one of cavalry, and to be furnished from the several militia divisions in the following manner, viz.

MAJOR GENERAL [Lewis R.] MORRIS, of the first division, will detach and furnish from his division, four hundred and ninety effective men, including officers: which, with one field officer and four infantry companies, consisting of two hundred and sixty men, including officers, to be taken from the fourth division, will form one entire regiment.

MAJ. GEN. [William] CAHOON, of the fourth division, will detach and furnish from his division, one Major, and two hundred and fifty-nine effective men, including officers, to be taken from the first brigade in

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[1] *Annals of Congress*, 12th Congress, Part 2, p. 2322.

[2] Same, p. 2267.

[3] *American State Papers*, Military Affairs Vol. 1, p. 319.

[4] *The Washingtonian* of June 1 1812.

said division, and form them into four infantry companies, to be annexed to and form part of the regiment detached from the first division.

He will also further detach from his division, eight hundred and sixty-seven men, including officers, and form them into one entire regiment.

MAJ. GEN. [David] ROBINSON, of the second division, will detach and furnish from his division, six hundred and twenty-seven effective men, including officers, which, with one company of infantry, consisting of sixty-four men, including officers, to be taken from the third division, is to form one entire regiment.

MAJ. GEN. [Hezekiah] BARNES, of the third division, will detach and furnish from his division, sixty-four effective men, including officers, to be taken from the first brigade in said division, and form them into one infantry company, to be annexed to and form part of the regiment detached from the second division.

He will also further detach and furnish from his division, six hundred and ninety effective men, including officers, and form them into one entire regiment.

The several Major-Generals will take special care, that the men detached from their divisions be properly organized, and completely equipped, with arms and accoutrements fit for actual service, including blankets and knapsacks.

They will also cause correct muster rolls and inspection returns to be made, of the regiments and men detached from their respective divisions, and transmit the same to the Adjutant General.[1]

When the detachment and organization shall have been completed, the several corps will be exercised under their respective officers, but will not remain embodied, or be considered in actual service, until by subsequent orders they shall be directed to take the field, under the command of JONATHAN ORMS,[2] General of the second brigade in the second division.

The Commander in Chief views it of the greatest importance, at this momentous crisis, that we should be prepared to defend our sacred rights and dear bought liberties, and protect the honor and independence of the nation, against the invasion of any foreign power: he, at the same time, possesses the highest confidence in the patriotism, zeal and bravery of the officers and soldiers of the militia of this state, and is fully persuaded, that on the present occasion, they will, by a speedy and cheerful compliance with these orders, evince to the world, that they are ready to meet any exigency that may occur, and have but one mind when their country calls. DAVID FAY, *Adj't. Gen.*

By order of the Commander in Chief.

This order was responded to promptly. The *Vermont Watchman*, quoted in *The Washingtonian* of Sept. 21 1812, stated that "the Vermont Troops are now at Plattsburgh," meaning doubtless the eleventh regiment of the U. S. army, Col. Isaac Clark, and the detached militia of

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[1] These rolls and returns are not now in the possession of the State.

[2] JONATHAN ORMS, a carpenter and mill-wright, came to Pittsfield, Vt., from Northampton, Mass., about 1788; shortly after to Fairhaven, and in 1790 settled in what is now West Haven. He removed shortly to Fairhaven, and from thence to Castleton in 1842, where he died Aug. 8 1850, aged 86 years. "He was General-in-Chief of all the militia in Vermont, in the time of the last war with Great Britain, and had his head-quarters at Burlington."—A. N. Adams's *History of Fair Haven.*

Vermont; and added that "about 80 of the U. S. Troops from New Hampshire," (probably belonging to the eleventh U. S. regiment,) "and between 4 and 500 of the Drafted Militia of this State, passed through town [Montpelier] the present week, on their way to Plattsburgh." This shows that the detached militia had then been called into service.

Volunteer Force in Vermont.

The Vermont counties on the northern frontier were sparsely settled in 1812, and of course exposed to attack from their neighbors in Canada. The following is doubtless a specimen of what occurred in other exposed towns: The selectmen of Troy warned a town meeting to be held on the 12th day of May 1812, of course in anticipation of war, "to see what method the town will take in the present important crisis to furnish the Militia of this town with arms and ammunition as is required by law;" the result of which was an order to the selectmen "to borrow twenty muskets and bayonets on the credit of the town," and to "purchase twenty-five pounds of powder and one hundred weight of lead if it can be purchased on six months credit."[1] This indicates how little the peopeople of Vermont were prepared for war.[2] Immediately after the declaration of war had been promulgated, the selectmen of several towns in northern Vermont furnished and supported a small number of men as guards at the frontier towns of Troy, Derby, and Canaan. These were the selectmen of Irasburgh, Craftsbury, Greensboro', Hardwick, Walden, Cabot, Peacham, Troy, Danville, Sheffield, Barnet, St. Johnsbury, Wheelock, Ryegate, Lyndon, Canaan, Morristown, Kellyvale [Lowell,] and Glover; and for services of the men and expense of support the State allowed and paid $1188.80.—See printed *Assembly Journal* of 1812, pp. 185–187, and printed *Laws of Vermont* of 1812, pp. 176–178.

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[1] *Vt. Historical Magazine*, Vol. III, p. 320. It is added that palisades were constructed at Troy and Westfield; and also that after the declaration of war, "the nursery tales of Indian havoc and warfare were rehearsed, the people seem to have been seized with a sort of panic, and supposed that hordes of Canadian Indians would be let loose upon them. The consequence was that a great part of the people abandoned their farms and houses, some only for a short time." In the succeeding winter a small detachment of troops was stationed at North Troy.

[2] The official return of the militia of Vermont in 1809 showed 15,543 rank and file, with 11,523 muskets, 5,273 bayonets, 6,302 cartridge boxes, and 5,657 steel ramrods. Not a single rifle returned; only 1041 pairs of pistols; and 6 cannon, four of which were three pounders.—*American State Papers*, Military Affairs Vol. I, pp. 300, 301. In 1812, the U. S. added 2500 muskets.

Nov. 6, 1812, the legislature passed "An act to provide for the raising of a volunteer corps, for the service of the United States," consisting of sixty-four companies of infantry, two of artillery, and two of cavalry, to be divided into two brigades, for which the Governor and Council appointed the necessary officers.[1] The act provided that this force should be holden to take the field at a moment's warning, and to serve in the army of the United States until the first day of May then next; "and in case all or any part of the volunteers shall be called into actual service the pay of the privates shall be made up by this State to the sum of ten dollars per month," &c. "which sums the Treasurer is hereby directed to pay."[2] It is evident from the Treasurer's reports that no payments were made by Vermont for such a corps. Although the act does not so indicate, it is certain that this corps was to consist of persons who were exempt from military duty.[3] *The Washingtonian* of July 27 1812 said:

Volunteer corps are forming out of the *Exempts*, in many towns, for the purpose of being ready to *suppress insurrection*, to *repel invasion*, and, in short, to prevent any of those wanton acts of *riot, personal abuse, and disturbance of the peace*, which, too often, disgrace the character of a free people in trying times. These Corps, it seems, are not confined to any party, but are to be made up of such citizens as are friends to their country, and its constitution, *to internal peace, quiet, and good order*, while we are carrying on a war against our enemies abroad.

This of course had no reference, although it may have suggested, the act of the succeeding November. Whether the corps provided for by the Legislature was ever fully raised does not appear, but *The Washingtonian* of Nov. 23 1812 said: "We are told, that the corps contemplated by this [the Volunteer] act is fast filling up—and that too by some respectable characters." An act of Congress of Jan. 20 1813 provided that any person might enlist into the army while "performing a tour of military duty," and it is probable that many volunteers, and many of the detached militia also, enlisted into the army of the United States. Indeed it is certain, that several of the officers, appointed by the Governor and Council for the proposed volunteer corps, were officers in the thirtieth and thirty-first regiments of the army, organized Feb. 23 1813.[4]

In 1814, almost the whole population of Vermont capable of bearing arms, including boys and fathers and grandfathers, volunteered on the occasion of the invasion of Plattsburgh, though only those near the point of danger reached it in time to engage in the battle. See account of the battle of Plattsburgh, *post.*

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[1] See Vol. v, p. 384, for the officers.

[2] See printed *Laws of Vermont* of 1812, pp. 147–151.

[3] See Vol. v, p. 371.

[4] This has been ascertained by comparing the rosters of the officers of the 30th and 31st regiments with the list of officers in Vol. v, p. 384.

Action of the Legislatures of 1812 and 1813.

In addition to the act authorizing the organization of a force composed of persons exempted by law from military duty, the Legislature of 1812, which was in harmony with the national government, passed three other acts having special relation to the war. The first was "An act to prevent intercourse with the enemies of this and the United States, on the Northern Frontier." It was discussed, section by section, and passed to be engrossed in the House, 109 to 66.[1] This act forbid, under severe penalties, any person passing from or through Vermont into Canada, or from Canada into Vermont, without a permit from the Governor, or some person authorized; also, the moving of any horses, cattle, or other property into that province; and authorized the inspection of trunks or papers by any justice of the peace without warrant, and the detention of letters and papers at the discretion of the justice. All officers of the State, civil and military, were required to aid in the execution of the act, and it was enforced in some instances so as to provoke complaint and censure. Appeals were made to the United States Court for the district of Vermont, and also to Franklin County Court, when the act was condemned, and officers who had enforced it were mulcted in damages and costs that the State ultimately refunded.[2] The Council of Censors of 1813 [Federalists] recommended the speedy and unqualified repeal of the act, as violative of the constitution both of the United States and of this State, and it was repealed Nov. 16 1813. Although the House was equally divided politically, the repealing act was passed by a vote of 118 to 27.[3]

Another act passed Nov. 6 1812, "suspending civil process against the persons and property of the Officers and Soldiers of this State while in service," was also condemned by the Council of Censors, as being un-

[1] Printed *Assembly Journal* of 1812, p. 176.

[2] See in printed *Laws of Vermont* of 1817, p. 53, an act to pay Lt. Col. Edward Fifield $1112.23, "for losses sustained by him in consequence of his faithful discharge of the duties imposed on him by a law of this state entitled 'an act to prevent intercourse with the enemies of this and the United States on the northern frontier.'" For several other instances, see printed *Laws of Vermont* of 1818, pp. 123–125, 127, and of 1820, p. 59, Fifield was Lieut. Colonel commanding a regiment of detached militia stationed at Swanton in the autumn of 1812, and judgments were rendered against him in both the Federal and State Courts. It appears also, from the report in this case, that Col. Isaac Clark, first of the 11th U. S. Regiment of Infantry and afterward of the 26th Rifles, was joined as defendant with Fifield in the Circuit Court.—For report of the committee on Fifield's case, see printed *Assembly Journal* of 1817, pp. 122–124. Col. Clark was very efficient in executing this act and arresting smugglers.

[3] Printed *Assembly Journal* of 1813, pp. 50–52, 193.

constitutional; and this act was also repealed, Nov. 15, 1813, except as to non-commissioned officers and soldiers.[1]

Another act, Nov. 9 1812, "directing the mode of detaching the Militia" for service in the war, in the second section required the selectmen of each town in the State to furnish the non-commissioned officers, musicians, and privates of their respective towns with arms, and equipments, if unable to arm and equip themselves; also a knapsack and blanket to each; also camp utensils, cartridges, flints, rations sufficient for each detachment to rendezvous, and transportation for their necessary baggage. Sec. 8 provided that each town should pay each non-commissioned officer, musician, and private $3.34 per month,—and sec. 10 allowed the same amount per month to be paid by the State to the militia detached previous to Nov. 9 1812—this of course in addition to the regular monthly pay.[2] By act of Nov. 13 1813, the Auditor of Accounts against the State was authorized to draw orders on the State Treasurer for the pay provided for in sec. 10 of the above cited act; and also for the expenses of selectmen incurred under sec. 2 of the same act.[3]

The Vermont Regiments in the United States Army—1812–1815.

The Vermonters, for the most part, who served in the regular army, were in the 11th, 26th, 30th and 31st infantry. The 11th was organized in 1812, and served during the war; the 26th, 30th and 31st in the spring of 1813, to serve one year, but a remnant of the 30th and 31st was in the battle of Plattsburgh in Sept. 1814. The year of the 26th infantry having expired, orders were issued to convert it into a rifle regiment, and in May 1814 a recruiting office was opened in Burlington by Col.

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[1] Printed *Assembly Journal* of 1813, pp. 41, 42; and printed *Laws of Vermont* of 1813, p. 145.

[2] Printed *Laws of Vermont* for 1812, pp. 203–211.

[3] Printed *Laws of Vermont* of 1813, pp. 98–100. This seems to have left the towns to raise the extra pay for all militia detached subsequent to Nov. 9 1812, of which doubtless there were few, and possibly none. It does not appear that any order was made for detached militia in Vermont subsequent to that of Gov. Galusha in 1812, except for temporary service. The large additional force raised in 1814 consisted of enlistments in the regular army and volunteers. A report of the Paymaster of the U. S. army shows that between Jan. 27 and Sept. 24 1814, out of $1,944,828.98 disbursed for bounties and premiums to recruits, $109,300 was disbursed in Vermont. Massachusetts (then including Maine,) New York, Pennsylvania, and Virginia were the only States which exceeded Vermont. Out of 8,340 recruits included in one return, Vermont furnished 822.—See *American State Papers*, Military Affairs, Vol. I. pp. 511–513.

Isaac Clark, originally of the 11th infantry, and in September 292 men had been enlisted, but it is doubtful whether this regiment was engaged in actual service, or indeed ever filled.[1]

It was designed to give in this volume complete rolls of the detached militia of Vermont, her volunteers, and her officers, non-commissioned officers and privates in the war of 1812, as a memorial for their descendants and aid in securing pensions. Vermont does not possess these rolls, and application was therefore made in the proper quarter at Washington. The answer was that the pay-rolls are in an exceedingly bad condition, and that it would be impossible to copy them for present use. It is probable that the new pension act will necessitate a correct and complete copy of the rolls, which may hereafter be used.

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[1] Col. Clark unfortunately incurred the displeasure of his commanding officer in 1814, and was under arrest in June 1815, when his old 11th regiment was discharged. It is due to his memory to add, that forty-two officers of the 11th, 15th, 26th, 29th, 30th, and 31st regiments, in a letter to the Secretary of War, condemned the treatment he received, and complimented him highly for his military services. This volume contains evidence that he was a brave and very efficient officer. For opinion of the officers here referred to see the *Northern Sentinel* of June 23 1815. In this connection it must be added, that Adj. Gen. Head of N. H., in his report for 1868, in a note to a roll of the 11th regiment of the war of 1812, greatly disparaged Col. Clark, asserting that "he had no qualifications or love for the life of a soldier," and claimed that the great efficiency of the 11th regiment was due to his Lieut. Colonel and Majors—New Hampshire men. It is true that Col. Clark was best fitted for "fighting on his own hook," and for the most of his service in the war of 1812 he was permitted to do so. A daring Ranger through the revolutionary war, and a participant in the glories of Bennington and Fort Defiance in 1777, Col. Clark was certainly well fitted by experience for like service in the war of 1812, and in just that service he was remarkably successful. The associate of the much lamented Lieut. Col. Forsyth, "the best partizan officer in the army" of 1812, and his superior in command, Col. Clark ought to have been better appreciated by Gen. Head. Upham, McNeil, and Bedel of New Hampshire, all of the 11th regiment, were brave men and excellent officers, but doubtless every one of them, if living, would concede that the efficiency of the regiment was due primarily to WINFIELD SCOTT. Col. Clark did not have such an instructor, else doubtless Gen. Head's disparagement would never have been written.

In March 1812 the following appointments in the army were made from Vermont:[1]

Names.	*Rank.*	*Regt. or Corps.*	*Remarks.*
Isaac Clark,	Col.	Inf.	Col. 11th, 48th & 26th Inf. 48th probably changed to 26th.
Jonas Cutting,	Lt. Col.	do.	
James Elliot,	Capt.	Art.	
Samuel Gordon,	do.	Inf.	
Phineas Williams,	do.	do.	
Joseph Beaman jr.	do.	do.	Resigned May 13 1813.
Samuel H. Holley,	do.	do.	do. do.
Benj. S. Egerton,	do.	do.	
Charles Follett,	do.	do.	Resigned Sept. 1 1814.
Benj. Pratt,	1st Lieut.	Cavalry.	
Sylvester Churchill,	do.	3d Artillery.	Brig. Gen. Died Dec. 7 1862.
Malachi Corning,	do.	Inf.	Capt. Aug. 15 1813.
Valentine R. Goodrich,	do.	do.	Capt. May 13 1813. Killed July 25 '14.
Horace Hale,	do.	do.	Capt. Aug. 15 1813. Killed Sept. 17 '14.
Benj. Smead,	do.	do.	Capt. Aug. 15 1813.
Elisha Ashley,	do.	do.	Resigned March 13 1813.
Rufus Hatch,	do.	do.	
Isaac Stoddard,	2d Lieut.	do.	
Abel Farwell,	do.	do.	
Rufus Bucklin jr.	do.	do.	1st Lt. Aug. 15 1813. Out Sept. 1 '14.
Horace Baxter,	do.	do.	
Henry A. Torrey,	do.	Artillery.	
Ira Williams,	do.	Cavalry.	Capt. 26 Inf. April 21 1814.
Wm. S. Heaton,	do.	Inf.	1st Lt. Mar. 13 1813. Mort. wounded Nov. 11 1813.
Walter Sheldon,	do.	do.	Resigned as Capt. June 30 1814.
James C. Tracy,	Ensign.	do.	
Thomas Levake,	do.	do.	1st Lt. Aug. 15 1813.
Andrew McFarland,	Cornet.	Cavalry.	3d Lt. 2d Dragoons April 29 1813.
Selah Bennet,	Ensign.	Inf.	
Fred. A. Sawyer,	do.	do.	1st Lieut. Dec. 12 1813.
Newman S. Clark,	do.	do.	Capt. Oct. 1 1814.

Nearly all of the above named infantry officers were in the 11th regiment, which seems to have consisted originally of six companies from Vermont and four from New Hampshire. The following three rosters are from the *Army Register* of Dec. 1813, with a few additions:[2]

[1] *Executive Journal*, 1805–1815, U. S. Senate, p. 229.

[2] *American State Papers*, Military Affairs Vol. 1, pp. 401, 413, 414.

ELEVENTH INFANTRY.

NAMES AND DATES.	RANK.	STATE.	REMARKS.[1]
Isaac Clark, July 6 1812,	Colonel.	Vt.	Col. of the 11th, 26th and 48th Inf.[2]
Moody Bedel, do.	Lieut. Col.	N. H.	Col. Sept. 4, 1814.
John B. Campbell Ap. 9 1814,	Colonel,	Ky.	11th Inf. Mortally wounded at Chippewa.
Washington Lee, June 9 1814,	Lieut. Col.	Pa.	
Orsamus C. Merrill, Mar. 3, '13,	Major.	Vt.	Lieut. Col. 26th, Sept. 4, 1814.
A. McIlheny, June 25 1814,	Major.	Pa.	
John McNeil jr. Aug. 15 1813,	do.	N. H.	For promotions see *ante*, p. 40.
J. W. Weeks, July 6 1812,	Captain.	do.	
Benj. S. Egerton, do.	do.	Vt.	
Samuel Gordon, do.	do.	do.	
W. S. Foster, Mar. 13 '13,	do.	N. H.	
John Bliss, May 13 '13,	do.	do.	
Richard Bean, June 26 '13,	do.	do.	
Valentine R. Goodrich, do.	do.	Vt.	Killed in battle July 25 1814.
Horace Hale, Aug. 15 '13,	do.	do.	do. do. Sept. 17, 1814.
Reuben Smead, do.	do.	do.	
Malachi Corning, July 6 1812,	1st Lieut.	do.	Capt. Aug. 15 1813.
Walter Sheldon, Mar. 13 '13,	do.	do.	Resig'd as Capt. June 30 1814.
Wm. S. Heaton, do.	do.	do.	1st Lt. Mar. 13, '13; mortally wounded Nov. 11 1813.
James Wells, do.	do.	N. H.	
James Greene, May 13 '13,	do.	do.	
H. J. Blake, June 26 '13,	do.	Vt.	Capt. Sept. 1 1814.
David Crawford, June 26 1813,	1st Lt.	Vt.	Capt. Sept. 17 1814.
Rufus Bucklin jr. Aug. 15 '13,	do.	do.	Out Sept. 1 1814.
N. S. Clarke, Adjt. do.	do.	do.	Capt. Oct. 1 1814.
Thomas Levake, do.	do.	do.	
Wm. F. Haile, Mar. 13 1813,	2d Lt.	do.	1st Lt. Aug. 15 1813.
Ezekiel Jewett, May 13 1813,	do.	N. H.	
Fred A. Sawyer, June 26 '13,	do.	Vt.	1st Lieut. Dec. 12 1813.
Timothy Aldrich, do.	do.	N. H.	
John V. Barron, do.	do.	do.	
Thos. Staniford, do.	do.	Vt.	1st Lt. Sept. 1 1814.
Isaac Clark jr. Aug. 14 '13,	do.	do.	do. do.
Wm. Risley, Aug. 15 1813,	do.	do.	do. Sept. 17 1814.
Joseph E. Merritt, do.	do.	N. H.	
Enoch Cooper, do.	do.	do.	
Salmon C. Cotton, July 19 1813,	Ensign.	Vt.	Capt. 26 Reg. April 21 1814.
John C. Walker, do.	do.	do.	1st Lieut. 26 Reg. do.
John Levake, July 29 1813,	do.	do.	Capt. 26 Reg. do.
Joseph Hopkins, Aug. 4 1813,	do.	N. H.	2d Lt. May 2 1814.
Thos. Tupper, Aug. 23 1813,	do.		do. do.
Perez S. Sanford, do.	do.		do. do.
Hazen Bedel, Sept. 21 '13,	do.	N. H.	do. June 15 1814.
Benj. Stevenson, do.	do.		do. June 30 1814.
Humphrey Webster, Sept. 22 '13,	do.		do. July 25 1814.
Gordon P. Spencer, Apr. 7 '13,	Surgeon.	N. H.	
Theo. Woodward, Aug. 9 1813.	Surg. M.	Vt.	
John Sackett, do.	do.	do.	

[1] The entries under this head have been gathered from the Executive Journal of the U. S. Senate.

[2] The 48th was propably changed to the 26th in 1814.

THIRTIETH INFANTRY.—*All Vermonters.*

NAMES AND DATES.	RANK.	REMARKS.
Elias Fassett, Feb. 23 1813,	Colonel.	
Martin Norton, do.	Lt. Col.	
Haines French, do.	Major.	Died in service, Sept. 4 1814.
John Bayley, do.	do.	Lt. Col. 34th Reg. May 15 1814.
Simeon Wright, Apr. 30 1813,	Captain.	
Salmon Clark, do.	do.	Resigned Aug. 1 1814.
David Sanford, do.	do.	
Peabody Utley, do.	do.	Resigned March 5 1814.
John Wires, do.	do.	Resigned Aug. 1 1814.
Amasa J. Brown, do.	do.	Struck from the roll Jan 31 1814.
Daniel Farrington, do.	do.	
Gideon Spencer jr. do.	do.	Resigned June 23 1814.
Sylvanus Danforth, do.	do.	
James Taylor, do.	do.	
William Miller, do.	1st Lieut.	Capt. Jan. 31 1814.
Simeon Robinson, do.	do.	Capt. Mar. 5 & resigned Jun. 23 1814.
William Barney, do.	do.	Capt. June 23 1814.
William Myrick, do.	do.	do. do.
Jona. M. Young, do.	do.	do. Aug. 1 1814.
Geo. W. Kendall, do.	do.	do. do.
Sheverick Weeks, do.	do.	Resigned Dec. 31 1813.
Israel Smith, Pay M. do.	do.	do. July 10 1814.
Reuben Salisbury, do.	do.	do. Feb. 18 1814.
Gideon Brownson, Aug. 15 '13,	do.	
John H. Burton, Adjt. Apr. 30 '13,	2d Lieut.	1st Lieut. Dec. 13 1813.
Stephen Rumsey, do.	do.	do. Jan. 31 1814.
Arthur Bostwick, Q. M. do.	do.	do. Feb. 18 1814.
Gideon Hawley, do.	do.	do. March 5 1814.
Thomas Stephens, do.	do.	do. June 23 1814.
Andrew Rublee, do.	do.	Struck from the roll Sept. 18 1813.
Abel Gibbs, do.	do.	
Elisha Smith, do.	do.	1st Lieut. June 23 1814.
James Johnson, do.	do.	do. July 10 1814.
Martius L. Selden, Aug. 15 1813,	do.	do. Aug. 1 1814.
Benj. Darley, April 30 1813,	3d Lieut.	do. do.
Benj. Fassett, do.	do.	2d Lieut. Dec. 1 1813.
Nathan Spalding, do.	do.	do. Jan. 31 1814.
Reuben B. Hyde, do.	do.	do. Feb. 18 1814.
Phelps Smith, do.	do.	do. March 5 1814.
Almerin Smith, do.	do.	do. do.
Return Strong, do.	do.	
Heman Wadhams, do.	do.	2d Lieut. June 23 1814.
James Smith, do.	do.	do. do.
Thos. Chittenden, Aug. 15 1813,	do.	do. July 10 1814.
Henry Hendrix, April 30 1813,	Ensign.	1st Lieut. Aug. 1 1814.
Simeon Hathaway, do.	do.	2d Lieut. do.
Arnold B. Dake, do.	do.	do. Sept. 1 1814.
John R. Pettibone, do.	do.	3d Lieut. Feb. 18 1814.
R. R. Childs, do.	do.	do. March 5 1814.
Wm. B. Ferris, do.	do.	do. June 23, 1814.
Stephen Webb, do.	do.	do. do.
Timothy Matthews, do.	do.	
Peter S. Mason, June 29 1813,	Surgeon.	
Wm. Paddock, do.	Surg. M.	
Wm. A. Needham, July 19 1813,	do.	

THIRTY-FIRST REGIMENT.—*All Vermonters.*

NAMES AND DATES.	RANK.	REMARKS.
Daniel Dana, Feb. 23 1813,	Colonel.	
Huckens Storrs, do.	Lt. Col.	Col. 34th Reg. Oct. 31 1814.
Mason Ormsbee, do.	Major.	
Daniel Azro A. Buck, Apr. 30 '13,	Capt.	2d Lieut. Engineers Jan. 25 1808, and of 3d Artillery Oct. 17 1812.
Asa Aikens, do.	do.	
Lebbeus Edgerton, do.	do.	Resigned Jan. 11 1814.
Rufus Stewart, do.	do.	
Nehemiah Noble, do.	do.	Resigned Jan. 11 1814.
Ethan Burnap, do.	do.	
Cyrus Johnson, do.	do.	Resigned Jan. 11 1814.
Joseph Morrill, do.	do.	do. Dec. 1 1814.
Silas Dickinson, do.	do.	
Cephas L. Rockwood, do.	1st Lieut.	Capt. Jan. 11 1814.
Andrew Arnold, do.	do.	do. do.
John S. Bicknell, do.	do.	do. do.
Presbury West, do.	do.	Resigned Jan. 31 1814.
William Bingham, do.	do.	
Levi Powers, do.	do.	Capt. Jan. 11 1814.
Enos Walker, do.	do.	
Daniel C. Bryant, do.	do.	Capt. Dec. 1 1814.
John Merrill, do.	do.	Resigned Feb. 21 1814.
Levi Cox, do.	2d Lieut.	1st Lieut. Jan. 11 1814.
Amos W. Brown, do.	do.	Struck from the roll Oct. 25 1814.
Charles Livermore, do.	do.	
Simeon Brown, do.	do.	1st Lieut. Jan. 11 1814.
Asa Baker, do.	do.	do. do.
Fifield Lyford, do.	do.	
John Putnam, do.	do.	Resigned Feb. 17 1814.
John Farewell, do.	do.	1st Lieut. Jan. 31 1814.
John Hatch, do.	do.	do. Feb. 2 1814.
Luther Bugbee, do.	3d Lieut.	Adjt. Resgd. as 2d Lieut. May 2 '14.
Elihu Emmons, do.	do.	1st Lieut. May 1 1814.
Eleazer Davis, do.	do.	do. do.
John Pratt jr., do.	do.	do. May 2 1814.
Jonathan Eddy, do.	do.	do. Sept. 30 1814.
Samuel Wetherbee jr. do.	do.	do. do.
John Atwood, do.	do.	
Jonas Gates, do.	do.	
Freeman Nickinson, do.	do.	2d Lieut. Jan. 11 1814.
James Adams, do.	do.	
Harvey Gilman, do.	Ensign.	2d Lieut. Jan. 31 1814.
Jeremiah York, do.	do.	1st Lieut. Oct. 25 1114.
Samuel M. Perkins, do.	do.	
Asa Peabody, do.	do.	
John Y. Sawyer, do.	do.	1st Lieut. Dec. 1 1814.
Simeon Stephens jr. do.	do.	Pay M. 2d Lieut. May 1 1814.
Isaac Briggs, do.	do.	2d Lieut. May 1 1814.
Jeremiah Greenleaf, do.	do.	do. May 2 1814.
Aaron Matson, do.	do.	
Truman Powell, July 19 1813,	Surgeon.	do. do.
Elijah Littlefield, do.	Surg. M.	

The 26th infantry was organized in May 1813, to serve for one year, and seems to have been consolidated with the 48th in 1814. It was then armed with rifles, and hence was sometimes called the 26th rifle regiment. At this time many Vermonters were appointed officers in the regiment, or transferred from other regiments.

The following is compiled mainly from the Executive Journal of the United States Senate.

TWENTY-SIXTH REGIMENT AS RIFLEMEN—1814 & 15.

NAMES AND DATES.	RANK.	REMARKS.
Isaac Clark,[1]	Colonel.	Transferred from the 11th Reg.[2]
Benj. Forsyth of Ky.	Lt. Col.	Transferred from 1st Rifles, April 11 1814, and killed June 1814.
Orsamus C. Merrill,	Major.	Lt. Col. Sept. 4 1814, vice Forsyth.
Zachary Taylor of Ky. of 7th Reg.	do.	Maj. Gen. in 1846; President in 1849.
Isaac Finch, June 6 1814,	do.	
Thad. Coleman of Mass. Ap. 21 '14,	Captain.	
John Campbell of N. Y. do.	do.	Resigned Nov. 15 1814.
Geo. H. Grosvenor of N. Y. do.	do.	
James Hedges, do.	do.	
John Levake, do.	do.	Transferred from 11th Reg.
Salmon C. Cotton, do.	do.	do. do.
Elijah Boardman of Conn. do.	do.	
Joseph Thompson, do.	do.	
Ira Williams, April 26 1814,	do.	
Wm. Bezeau of Mass. Aug. 1 1814,	do.	
James Whelpley, April 21 1814,	1st Lieut.	
Geo. Templeman of Md. do.	do.	Capt. Nov. 15 1814.
Jay Morehouse of N. Y. do.	do.	
Philip Smith, do.	do.	
John C. Walker, do.	do.	
Harvey Gilman, do.	do.	
James Boardman of Conn. do.	do.	
John A. Binns of Va. May 20 1814,	do.	Transf[d] from 1st Light Dragoons.
J. [or P.] Callan, do.	do.	" 2d Light Dragoons.
Seth Hall, Apr. 21 1814,	2d Lieut.	
Martin Scott, do.	do.	1st Lieut. Aug. 1 1814.
Thomas French, do.	do.	" "
John Black, do.	do.	1st Lieut. Nov. 15 1814.
Horace Broughton, do.	do.	" Dec. 10 1814.
Jacob Robinson of D. C. do.	do.	
Samuel Rich, do.	3d Lieut.	2d Lieut. May 20 1814.
Samuel Chatterton, do.	do.	do. Aug. 1 1814.
Augustus Levake jr. do.	do.	do. Aug. 1 1814.
Wm. Tell Willard, do.	do.	do. Oct. 1 1814.
Thomas Waide, do.	Ensign.	do. do.
Nathan Thompson, June 25 1814,	do.	do. Nov. 15 1814.
Festus L. Thompson, do.	do.	do. Dec. 10 1814.
Isaiah Forrest, do.	do.	3d Lieut. Oct. 1 1814.
John Knox, do.	do.	do. do.
David Herrin, July 6 1814,	do.	do. do.
David Doe, do.	do.	do. do.
Hugh Stannard of N. Y. Ap. 21 '14,	Surgeon.	

[1] The officers in this list are all from Vermont, those otherwise specified excepted.

[2] Probably April 9 1814, when Lt. Col. John B. Campbell of Ky. was appointed Col. of the 11th.

OTHER VERMONT OFFICERS IN THE WAR OF 1812.

The following list has been compiled from the Executive Journal of the U. S. Senate, embracing officers in different regiments whose names do not appear in the foregoing lists.

NAMES AND DATES.	RANK.	REGT. OR CORPS.	REMARKS.
Ephraim Brewster, April 6 '12,	Surgeon.		
Edward Wales, do.	Ensign.		
Henry Olcott, 1813,	2d Lieut.	Marines,	1st Lieut. June 18 1814.
Phineas Woodbury, July 6 '12,	Surg. M.	25th Inf.	Surgeon March 23 1814.
Wm. Jarvis, Aug. 18 1812,	Dep. Com.		
Sylvester Day, March 13 1813,	Surgeon.	4th Inf.	
David Marsh, Apr. 1 1813,	Surg. M.	13th Inf.	
Wm. Campbell, Nov. 1808,	1st Lieut.	Light Art.	Capt. May 30 1810.
Luther Leonard, do.	2d Lieut.	Light Art.	Capt. July 6 1812.
Samuel Shaw, April 6, 1813,	Hos. Surg.		9th Mil. Div. right wing.
Gustavus Loomis, May 5 1813,	1st Lieut.	1st Art.	Brevet Brig. General. Died Mar. 6 1872.
Henry Stanton, June 28 1813,	3d Lieut.	Light Art.	
Nathl. Lewis, July 7 1813,	Ensign.	11th Inf.	Probably did not accept.
Daniel Griswold, April 30 1813,	do.	30th Inf.	do. do.
Uriah Ward, do.	Capt.	31st Inf.	do. do.
Asa Grimes, do.	1st Lieut.	do.	do. do.
John S. Willard, do.	2d Lieut.	do.	do. do.
Abel Butler, do.	Ensign.	do.	do. do.
Clark Smith, Mar. 28 1814,	do.	do.	2d Lieut. June 23 1814.
J. E. Albro, do.	do.	do.	do. Sept. 30 1814.
L. T. Wheelock, do.	do.	do.	do. do.
John Goldthwait, do.	do.	do.	do. June 23 1814.
Noadiah Kibbey, do.	do.	do.	do. Oct. 25 1814.
Daniel Parsons, do.	do.	do.	3d Lieut. May 1 1814.
G. H. Balding, do.	do.	do.	
Jacob Brown, Apr. 11, 1814,	do.	11th Inf.	2d. Lieut. Sept. 1 1814.
John Gilbert, Feb. 10 1814,	do.	30th Inf.	3d Lieut. July 10 1814.
Matthew Patrick jr. do.	3d Lieut.	40th Inf.	
Elisha Chase, Mar. 28 1814,	Ensign.	31st Inf.	2d Lieut. Dec. 1 1814.
Eleazer W. Bohonon or Buchanan, Mar. 28 1814,	Ensign.	31st Inf.	3d Lieut. May 1 1814.
Joseph H. Atherton, do.	do.	do.	do. May 2 1814.
Hubbard S. Cabot, do.	do.	do.	do. do.
Wm. H. Wilson, April 12 1814,	Surgeon.	45th Inf.	Prom'd from Asst. Surg.
Jonas G. Brooks, Apr. 21 '14,	Ensign.	do.	3d Lieut. Aug. 1 1814.
Josiah Shields, April 12 1814,	do.	11th Inf.	2d Lieut. Sept. 1 1814.
Elijah or Isaac B. Davis, do.	do.	do.	do. Sept. 17 1814.
John Grant, do.	do.	do.	do. Sept. 28 1814.
Asa M. Edmonds, April 18 1814,	do.	do.	
Ezra Dean, jr. April 20 1814,	do.	do.	2d Lieut. Oct. 10 1814.
Oliver G. Burton, Aug. 5 1811,	1st Lieut.	4th Inf.	Major of 33d, June 15 '14.[1]
Joseph P. Russell, May 25 1814,	Surg. M.	do.	
Return B. Brown, Mar. 18 1809,	Capt.	do.	Maj. of 31st, March 9 '14; not in Reg. of '15.
Jabez Parkhurst, July 21 1814,	3d Lieut.	3d Art.	
Thos. Boynton, Nov. 8 1814,	Ensign.	31st Inf.	3d Lieut. Jan. 1 1815.
Alonzo Allen, do.	do.	do.	do. do.
Calvin Burnap, do.	do.	do.	do. do.

[1] Maj. Burton was captured early in the war. His name does not appear in the Army Register of 1815.

CAMPAIGNS OF 1812 — 1814.[1]

1812. — The plan of the campaign was to garrison the coast fortifications with the local militia, assisted by some regulars; while the remainder of the regulars, volunteers, and militia were to be employed in invading Canada, particularly from Detroit, and the Niagara frontier in New York.[2] The army gathered at Plattsburgh, N. Y., numbering about eight thousand men, of whom nearly one half were Vermonters,[3] was of course designed to protect the frontiers of Vermont and northwestern New York, and, by threatening the Canadian neighborhood, to prevent the transfer of British troops from Lower to Upper Canada.

During the summer little was done in Vermont beyond organizing the 11th U. S. regiment of infantry, the three thousand detached militia, and volunteers, most of whom were at Plattsburgh on the 1st of September in the army commanded by Gen. Joseph Bloomfield of New Jersey. At this time there were small advance parties at Chazy and Champlain, but the remainder of the army remained in quarters until the 16th of November, when the largest portion moved north under the immediate command of Maj. Gen. Henry Dearborn of Massachusetts, then the senior officer of the army, and on the 18th encamped about half a mile south of the boundary line. The force there assembled numbered three thousand regulars and two thousand militia, while the entire British force on the northern frontier did not exceed three thousand, and of these not more than one thousand were within striking distance of the American army. When Dearborn was prepared to cross the line, the British Major Salaberry also prepared to meet him. Early in the morning of the 20th a detachment of Dearborn's army forded the La Colle river and surrounded a British guard-house, which was occupied by Canadian militia and a few Indians, who broke through the American lines and escaped unhurt. In the meantime a second party of the Americans had advanced, and commenced a sharp fire on those in possession of the ground, mistaking them for the British picket. This fire continued for nearly half an hour, when, being undeceived,

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[1] The purpose here is to state the part taken by the Vermont troops, and not to give a history of the war, for which see an admirable account in *Lossing's Pictorial Field Book of the War of* 1812; and for the events in the valley of Lake Champlain and neighborhood, see *History of Lake Champlain from* 1609 *to the close of the year* 1814, by Peter S. Palmer.

[2] *Lossing*, p. 251.

[3] Palmer's *Lake Champlain*, p. 183, fixes the number on the 1st of Sept. at "about eight thousand men, including regulars, volunteers, and militia." Among them was the 11th regiment of regulars, Col. Isaac Clark, of which six companies were from Vermont at that time. These, with most of the three thousand detached militia, and a portion of the volunteers, seem to warrant the above estimate.

both parties hastily retreated, leaving behind five killed and as many wounded. The troops immediately afterwards returned to Champlain, and on the 23d to Plattsburgh, when the militia were disbanded, and the 11th U. S. regiment was sent to Burlington, with the 9th, 21st, and 25th, all under the command of Brig. Gen. John Chandler of Maine.[1] Certainly nothing was gained by this expedition, unless it was to certify to the enemy that a large force of United States troops was hovering on the frontier, of which doubtless they had been previously well informed. A good officer, Col. Zebulon M. Pike, commanded the advance party, and would doubtless have performed his duty creditably had Dearborn persisted in his invasion. From the facts that Pike was appointed Brigadier General in the following March, and selected to command the expedition for the capture of York [now Toronto,] in which he was killed, it is evident that the government did not deem him in any degree deserving of censure.

Campaign of 1813.

The Vermont non-intercourse act, passed Nov. 6, 1812, provided "that all officers, civil and military, of this State, shall aid in carrying this act into full force;" and therefore, immediately after the return of the 11th U. S. regiment and militia from Plattsburgh, a vigorous enforcement of the act along the northern boundary line of Vermont was commenced. In this work Col. Isaac Clark of the 11th, and Lieut. Col. Edward Fifield of the militia, were conspicuous.[2]

Feb. 10, the Secretary of War ordered Gen. Dearborn to move the two brigades at Plattsburgh (Bloomfield's and Chandler's, numbering 2480 men,) to Sackett's Harbor; and March 14 Dearborn complied, leaving no troops at Plattsburgh, and only Clark's regiment of infantry and a company of artillery at Burlington. Clark's regiment was not full at that time, but was to be filled in a few weeks.[3]

May 13, five hundred men from Clark's [11th] regiment, being the first battalion, were ordered to Sackett's Harbor, and on the 31st left Burlington under the command of Lieut. Col. Timothy Upham of N. H.[4]

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[1] *Christie's History of the War in Canada*, cited in Palmer's *Lake Champlain*, pp. 183–4, with a note stating that the U. S. Secretary of War, Gen. Armstrong, said that this account does not differ materially from that of the American officers. The Vermonters returned in season to vote at the then pending election of Members of Congress.—See *ante*, p. 11.

[2] See *ante*, p. 470.

[3] *American State Papers*, Military Affairs Vol. I, pp. 439-442.

[4] Same, p. 444; and Burlington *Centinel* of June 3 1813.

Capture of the U. S. Sloops Growler and Eagle.

The month of June was marked by the loss of two of the three sloops of war which comprised the U. S. force on Lake Champlain, under the command of Thomas Macdonough, then a Lieutenant in the navy. These vessels were the President, Lieut. Macdonough; the Growler, Lieut. Sidney Smith; and the Eagle, sailing-master Loomis. The following account is from Palmer's *Lake Champlain*, pp. 188–190:

About the first of June Macdonough received information of an attack, by several British gun-boats, upon some small craft at the lower [northern] end of the lake. In consequence of this intelligence he ordered Lieutenant Smith to move towards Rouses Point, with the Growler and Eagle, in order to attack the gun-boats should they again make their appearance. Lieutenant Smith left Plattsburgh harbor with his vessels, on the morning of the 2d of June, and about dark cast anchor within a mile of the lines. The next morning, about daybreak, he got under way, and proceeded down the Richelieu as far as Ash Island (Isle au Tetes), where he discovered and gave chase to three British gun-boats. The wind was blowing fresh from the south at the time, and soon brought the sloops, the Growler leading, within sight of the works at Isle aux Noix. The sloops now tacked and began to beat back towards the open lake, having the wind against them, with a slight adverse current in the river.

As soon as the British were aware of the advantages these circumstances gave them, three of their row-galleys came out from under the works at Isle aux Noix, and opened a brisk fire upon the sloops. As the galleys carried twenty-fours, while the largest guns on the sloops were eighteens, the former were able to select their own distance, nor could the latter come to close quarters without running within range of the fire of the batteries on the island. To render the situation of the sloops still more critical, the British now lined the woods on each side of the river, and opened upon them with musketry. This fire was returned with constant discharges of grape and canister, and, in this manner, the contest was continued for several hours with great gallantry on both sides. About four hours after the commmencement of the action, a shot from one of the galleys struck the Eagle under her starboard quarter and passed out on the other side, ripping off a plank under water. The sloop went down almost immediately, but fortunately in shoal water, and her crew were taken off by boats sent from the shore. Soon after this accident the Growler had her fore stay and main boom shot away, when she became unmanageable and ran ashore.

In this engagement the Growler had one killed and eight wounded, and the Eagle eleven wounded, including the pilot, Mr. Graves. The whole number of men on board both vessels, when they went into action, was one hundred and twelve, including Captain Herrick and thirty-three volunteers from his company.[1] The officers and men were taken prison-

[1] The late Capt. H. A. Sawyer of Burlington was a midshipman on the Eagle in this engagement, and in his biography in *Vt. Hist. Magazine*, Vol. I, p. 582, it is stated that "the principal part of the crews were Capt. Herrick's company of McCobb's [Massachusetts now] Maine regiment." There were certainly other volunteers, from Clark's 11th U. S. regiment of infantry, as a sergeant is mentioned by Mr. Palmer. In the *Adjutant General's Report*, New Hampshire, 1868, is a military history

ers and sent to Canada. The two sloops, having been refitted, were transferred to the British service, their names being changed to the Finch and Chub, and were subsequently recaptured by Macdonough in September 1814. The loss of the British in this engagement was never correctly ascertained. It must have been very severe, however, as their forces advanced to the banks of the river, where, destitute of shelter, they received broadside after broadside of canister and grape. A sergeant of the 11th regiment, who had volunteered on one of the sloops, and who was paroled on account of his wounds, reported that he counted thirty of the enemy dead upon one small spot. The current belief, in the neighborhood of the action, was that the British loss exceeded two hundred, but this was probably an exaggeration.

The writer of the biography of H. A. Sawyer states that "artillery was placed, and 300 troops scattered along both shores within musket range of the imprisoned vessels" by the British; that the firing commenced at 7 o'clock in the morning, the Eagle was sunk at half past twelve noon, and the Growler disabled some fifteen minutes later—making the length of the action five hours and three quarters; and that "the court of inquiry, subsequently held, bore testimony to the gallantry of [our] officers and men—to the resolute constancy of a defence which was protracted till further resistance became impossible, and treated leniently the imprudence which led to the disaster."—For these statements, and various interesting items as to Capt. Sawyer, see *Vt. Hist. Magazine*, Vol. I, pp. 581–590.

Vermont Militia called out.

June 10 Col. Clark of the 11th regiment called out two militia companies of Burlington, and on the 11th Col. William Williams's regiment—all of whom responded promptly. Probably this was because of an expected attack immediately on Burlington by the British flotilla. The militia were discharged on the night of the 13th, their place being supplied by five full companies of the 30th U. S. Infantry under Lieut. Col. Martin Norton. In September the third brigade of the third division of militia [Elias Fassett's, though he was then Col. of the 30th U. S. Infantry,] was called out, for three months' service on the frontier. The brigade was reviewed at Burlington by Gov. Chittenden. It served in both Vermont and New York.[1]

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of New Hampshire covering the war of 1812, and in the roll of Capt. Jonathan Stark's company, doubtless composed mainly of New Hampshire men, are the following entries of soldiers in the 11th regiment who were captured on Lake Champlain 3d June 1813: John L. Sanborn, Sergeant; Joseph S. Danforth and Luther Park, Corporals; Isaac French and John Hunt, Privates.

[1] *Burlington Centinel* of June 17 and Oct. 1 1813; *Am. State Papers*, Mil. Affairs, Vol. I, p. 460; and *Vt. Hist. Mag.* Vol. II, pp. 178, 294.

U. S. Ninth Military District.

July 8, Maj. Gen. Dearborn was permitted to retire, and was succeeded in the command for the then time being by Maj. Gen. Wade Hampton, who was to be ordered to push his head quarters to the position held by the army in the previous campaign on Lake Champlain, and a requisition was to be superadded for ten thousand militia from the States of New York and Vermont, in reinforcement of this part of the plan. So wrote the Secretary of War;[1] but Fassett's brigade alone seems to have been called for. Hampton was then at Burlington.[2]

A British plundering expedition to Plattsburgh, Swanton, and other towns.

Tempted by the defenceless condition of Plattsburgh and the entire western side of Lake Champlain, Col. Murray with a British force crossed the line on the 30th of July with two war sloops, three gunboats, and forty-seven longboats, with over fourteen hundred men; landed at Plattsburgh on the afternoon of the 31st without opposition; commenced a work of devastation and plunder, and continued it until ten o'clock of the next day, when he re-embarked. The public property destroyed was valued at twenty-five thousand dollars, and the private property plundered at more than eight thousand. Gen. Hampton was at Burlington, twenty miles distant, with an army of between three and four thousand men, and had twenty-four hours' notice of the intended attack, but did nothing to prevent it. Messengers had been repeatedly sent requesting him to send a regiment to Plattsburgh, but to no effect. While Murray was at Plattsburgh, about three hundred of the New York militia were hastily gathered, who however dared not approach the village until the enemy had retired. Then they entered the town and captured a picket-guard of twenty-one men, who had been left by Murray. These were sent to Burlington as prisoners of war.

The longboats and two of the gunboats proceeded to Swanton, where the men destroyed some old barracks, and plundered several citizens. Like outrages on private property were committed at Cumberland Head, Point au Roche, and Chazy Landing. Two sloops and the other gunboat sailed up the Lake beyond Burlington, destroyed eight or ten longboats engaged in transportation, and captured one Durham Boat loaded with flour. On passing Burlington they fired a few shots at the place, but bore away as soon as the batteries on shore began to play upon them.[3]

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[1] *American State Papers*, Military Affairs Vol. I, p. 451.

[2] *The Washingtonian* of July 12 1813.

[3] Palmer's *Lake Champlain*, pp. 190–193.

British Demonstration against Burlington, Aug. 2 1813.

The affair before alluded to was more fully described in the following letters, found in the *Federal Republican* (Georgetown, D. C.,) of Aug. 16 1813.

Extract of a letter from Burlington, dated Aug. 3.

Yesterday afternoon the Eagle and Growler, lately taken by the enemy on the lake, with some armed gallies, were seen advancing. At a quarter before 3 o'clock the gallies commenced firing on the town and battery, which was returned by the vessels in the bay and from the battery. The firing continued brisk on both sides for about half an hour, when the enemy drew off a little, seemingly in expectation that our vessels would leave the bay and give them battle; which they attempted to do, and after sailing, five in number,[1] within a league or four miles from the enemy, expecting in a few minutes the action would commence, our vessels came to anchor, and soon after returned into the bay, under the battery, to the great mortification of thousands who witnessed it. The enemy seems neither to have slumbered or slept, for during the night they cut out and captured four of the best sloops on the lake, with provisions, and burnt one laden with salt. It is also said they have burnt two sets of barracks on the lake [at Plattsburgh and Swanton;] and this morning at four o'clock they were seen with their prizes in triumph sailing to their companions. Not the smallest injury has been done to this city.

From the Albany Register.

Extract of a letter from a gentleman at Burlington, dated Aug. 5, to his friend in this city.

The news of the day you will obtain from the public papers. The British have landed at Plattsburgh, burnt the barracks, arsenal, and public property, respecting private [incorrect.] Swanton has shared the same fate since. Last Monday, Burlington was cannonaded, shot thrown into buildings, and the people in Water street had to leave their homes. This took place in sight of the camp and of my house. The British came with two sloops (the [late] Growler and Eagle) and one small row-galley with a 24 pounder. We had twice the number of vessels, but in no state of preparation, and no officers but a captain. The British ere long moved still south unmolested, took three merchant vessels with a rich booty, and returned in our sight back to [towards] Plattsburgh. We expect another visit every hour. We have no means of defence. Is this taking Canada? This whole territory lies at the mercy of the British. The enemy has as yet been moderated in victory; nor have individuals been injured materially.

It is obvious that this writer did not approve of the war, and had not heard of the outrageous disregard of the rules of civilized warfare by Col. Murray; yet the incidents within the personal knowledge of the writer were probably given with substantial accuracy. It was true that there were then no sufficient means of defence on the lake, but in Burlington Hampton had a large military force fit for active duty.

U. S. Troops at Burlington, *July* 1813.

The U. S. Inspector General, under date of Aug. 2 1813, gave the following return of troops at Burlington :[2]

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[1] Mr. Palmer states that the U. S. naval force on the Lake then consisted of one sloop and six gunboats. Aug. 20 three small sloops were added.

[2] *Memoirs by Gen. Wilkinson*, Vol. 3, Appendix No. VI.

PRESENT.						ABSENT.			
		For Duty.		*Sick.*					
STATION.	CORPS.	Total.	Aggregate	Total.	Aggregate	Total.	Aggregate	Total present and absent.	Aggregate present and absent.
Burlington..	dragoons ...	118	122	18	18	0	0	136	140
.....	artillery....	74	76	13	14	1	1	88	90
.....	infantry....	2354	2441	360	367	195	209	2909	3017
.....	volunteers..	501	530	156	159	104	117	761	806
Tot. at Burl.		3047	3169	547	558	300	327	3894	4053

U. S. Naval force on Lake Champlain, Aug. 20 1813—*Battle declined by the British.*

The American naval force on Lake Champlain consisted, on the 20th of August, of the President, 12 guns; Com. Preble, 11 do.; Montgomery. 11 do.; Frances, 6 do.; two gunboats of one 18 pounder each; and six scows of one 12 pounder each; amounting in all to 48 guns.

In the month of September, Capt. Macdonough sailed from Burlington to the lines, and offered the British battle; this they refused, and sailed out of the lake to the northward.[1]

Detachment of 11th U. S. Infantry at Sackett's Harbor 24th August 1813.[2]

Present for active duty, officers and privates,	330
Present too feeble for active service, officers and privates,	175
Total fit and unfit for duty,	505
Aggregate,	528
Leaving absent,	23

Col. Isaac Clark's Invasions of Canada.

In October Maj. Gen. Hampton wrote to the Secretary of War as follows:

Oct. 4.—I have directed the commencement of a *petty war*, or invasion of the lines, at and near Lake Champlain, by Col. Clark, who has some volunteers, and Brigadier General [Elias] Fassett, (our Colonel,[3]) who has, at my instance, called out his brigade of militia. The latter, I understand, turn out but badly; but they will make, together, I suppose, from six hundred to a thousand men. There has been inculcated by the artifices of the British, a shameful and corrupt neutrality on the lines, for the purpose of gain. I have directed these officers to break the truce. And, should other means fail, to act the part of the mischievous urchin, who, to get two peaceable *tabbies* at "*making the fur fly,*" held them up together by the tail.[4] To be

[1] *Sketches of the War*, Rutland, 1815, p. 289.

[2] *Memoirs by Gen. Wilkinson*, Vol. 3, Appendix xxviii.

[3] Of the 30th regiment of U. S. infantry.

[4] Possibly if the same trick, with the addition of permanently suspending them, had been put upon the three Generals who commanded the Vermont troops in 1812-13, it would have made the British fur fly at

serious, it is really time each individual shall take his side, and that traitors to either should meet their due reward. What I am aiming at, however, is tranquility on the road [down the Chateauguay river] by kicking up a dust on the lines. It will also create a division [diversion ?] at a proper point. Of Hopkins's [New York] militia, but about two hundred and fifty have arrived, and not more than fifty or sixty of them have consented to pass the line. Such as refused, General Parker was authorized to keep on the lines below, and to excite all the *alarm* he could, with them and the Vermonters.

Oct. 12.—Colonel Clark is carrying on his small war, on the lines, with all the effect contemplated. The enemy's motley force have everywhere nearly disappeared. He is concentrating, no doubt, in points in my way, or on the river.[1]

On the very day Gen. Hampton wrote the last letter above quoted from, Col. Clark made a successful dash at Missisquoi village in St. Armand, Lower Canada, of which the following is the Colonel's report to the Secretary of War:

CAMP, CHAZY-LANDING, October 15 1813.

It is with great pleasure I can inform you of a successful attack upon the enemy at Massesquoi bay, on the morning of the 12th inst. At this time I had only the riflemen with me, the artillery moving slow and the militia protecting their rear. We proceeded to the village (Massesquoi) and arrived within 15 rods of the enemy before we were discovered. We found them drawn up under Major Powell in a manner that would have annoyed us much, had we attacked them by water, but wholly unprepared to defend themselves on the land side. They commenced a fire on the left flank, but in ten minutes after the first attack they laid down their arms and surrendered themselves prisoners of war.

Understanding that a force of 200 men under Col. Lock was marching to attack us, I despatched Capt. Finch with his company to reconnoitre them and ascertain their course. He proceeded with such promptness and ability as to surprise and capture the advanced guard, consisting of cavalry, excepting one man who escaped, and giving the information, the enemy retreated.

The prisoners were then put on board our boats and sent to Burlington. Our whole force engaged was 102—the number of prisoners taken is 101; their killed 9, and wounded 14. I am, sir, with respect, &c. ISAAC CLARKE.[2]

In November, Clark again visited the same place, as the following shows:

MONTREAL, Nov. 6 [1813.]

The famous Colonel Clarke has again been over to Missisque bay and taken about 90 head of cattle, which he had followed from the other side of the line. In this excursion the Colonel is said to have behaved very honorably, and we are glad to give "the devil his due."[3]

CAMPAIGN AGAINST MONTREAL, OCT. AND NOV. 1813.

July 3 the Secretary of War indicated the plan of a campaign against Kingston, Gen. Hampton co-operating by an advance in force against

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Montreal. Nov. 17 1813, Wilkinson wrote that "the game [Montreal] was in view," and, had Hampton "performed the junction directed, would have been ours in eight or ten days."—*American State Papers*, Military Affairs Vol. 1, p. 478.

[1] *American State Papers*, Military Affairs Vol. 1, p. 460.

[2] *The History of the War*, by J. Russell jr., Hartford, Conn., 1815, p. 232.

[3] *Vermont Republican* of Jan. 10 1814.

Montreal, and on the 8th orders were transmitted accordingly to Hampton.[1]

Aug. 5th the scheme was submitted to Maj. Gen. Wilkinson, who had been put in command of the ninth military district, which covered Vermont, and New York north of the Highlands.[2]

Aug. 20 Wilkinson reached Sacketts' Harbor, then headquarters;[3] on the 23d issued General Orders; and on the 26th held a council of officers, to which four questions were proposed, the fourth being this:

4th.—To rendezvous the whole of the troops on the lake [Ontario] in this vicinity, and in co-operation with our squadron, to make a bold feint upon Kingston, slip down the St. Lawrence, lock up the enemy in our rear to starve or surrender, or oblige him to follow us without artillery, baggage or provisions, or eventually to lay down his arms, to sweep the St. Lawrence of armed craft, and in conjunction with the division under Major-general Hampton, to take Montreal.

This proposition met the approval of the Council.[4] This plan covered the Vermont troops, to wit, the battalion of the 11th U. S. infantry then at Sacketts' Harbor, and all in Vermont under Hampton.

Sept. 1 the Secretary of War warned Hampton that Prevost's "rear [Montreal] is manifestly neglected, and we must not lose the advantage he presents for attacking it."[5]

Sept. 15 Hampton had concentrated most of his army at Cumberland Head. On the 19th at midnight the army landed near Champlain village, and an hour later two detachments of the light corps marched, one against a post a little over the line on the lake shore, and the other against Odletown. The blow was to be struck at dawn, and both parties were then to concentrate at Odletown. Both parties were misled, and nothing resulted but the killing part of a picket and capturing the rest, except two or three, while the main body escaped. A few Indians lurked in the bushes, killed one of our sentries, and wounded two or three others. Hampton's troops soon exhausted the wells and springs of Odletown, the neighboring streams were reported to be dry, the Chateaugay route was adopted, and Oct. 4 Hampton reported the army at Chateaugay, and there and in the neighborhood it remained until Oct. 21, when he entered Canada, and on the 25th made an attack on a small body of British troops, and failed, with a loss of thirty-five men in killed and wounded.[6] A council of the officers followed, which advised

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[1] *American State Papers*, Military Affairs Vol. I, p. 451.

[2] Same, pp. 387, 463.

[3] Same, p. 465.

[4] *Memoirs of Gen. Wilkinson*, Vol. 3, Appendix I, and II.

[5] *Am. State Papers*, Mil. Aff. Vol. I, p. 458.

[6] Lossing says fifteen killed and twenty-three wounded; while the British lost five killed, sixteen wounded and four missing. The whole affair, he wrote, was disgraceful, and that an officer who was present, subsequently a distinguished major general, [John E. Wool,] has said, that

a return to Chateaugay, either for winter quarters, or to be ready to strike below. Nov. 6, Wilkinson advised Hampton to meet him at St. Regis. Nov. 8 Hampton declined St. Regis, and proposed Cognawaga; and on the fifteenth notified the Secretary of War of his disagreement with Wilkinson, and stated that he should make the necessary arrangements for placing his army in winter quarters, and commence his journey to the southward. He went to Washington and resigned April 6 1814.[1]

"no officer who had any regard for his reputation would voluntarily acknowledge himself as having been engaged in it."—*Lossing's Pictorial Field Book of the War of* 1812, pp. 647, 648.

[1] *Am. State Papers*, Mil. Aff. Vol. I, pp. 458–463, 479; Palmer's *Lake Champlain*, pp. 194, 195, 201, 202.

Having traced Gen. Hampton to the close of his inglorious career in the 9th military district, it is but just to add that for the failure of the campaigns of the northern army he shares the responsibility with John Armstrong, the Secretary of War, and Major Generals Dearborn and Wilkinson, the commanders in the ninth military district. With strong probability of truth, it has been asserted that the government never intended a real invasion of Canada, for fear that the reduction of Montreal and other important points on the St. Lawrence might ultimately result in the annexation of Canada to the United States, and a consequent increase of political power in the north.—See Palmer's *Champlain*, p. 211. A subsequent treaty of reciprocity of trade between the two countries, at a time when annexation to the United States was strongly favored in Canada, which waned after the treaty, goes to confirm this opinion strongly. Wade Hampton was born in South Carolina in 1754; distinguished himself in the revolutionary war under Marion and Sumter; was Member of Congress 1795–7 and 1803–5, Col. U. S. army Oct. 1808, Brig. Gen. Feb. 1809, and Maj. Gen. March 2 1813. In 1809 he was put in command of New Orleans, but quarrelling with his subordinate officers, he was superseded by Wilkinson in 1812. Both were assigned to the ninth military district in 1813, Hampton insisting upon having an independent command. He was subjected, however, to Wilkinson, and the result proved that the two would not co-operate, and hence the failure of the campaign against Montreal when its capture was apparently easy. It is evident from Hampton's correspondence with the Secretary of War, that he had no confidence in the then newly raised regulars and militia, although it is very evident that the troops honored themselves whenever they had a fair opportunity, as at Chippewa, Lundy's Lane, Fort Erie, Chrystler's Farm, St. Armand, and Plattsburgh. Gen. Hampton died at Columbia, S. C., Feb. 4, 1835. Lieut. Gen. Wade Hampton, of the late rebel army and now, 1878, Governor of South Carolina, is a grandson.—Drake's *Dict. of Am. Biography.*

Having thus briefly noticed Hampton's failure in the projected attack upon Montreal, in which the Vermont troops seem to have had no opportunity to join in battle, it remains to notice the operations of Maj. Gen. Wilkinson, under whom was the battalion of five hundred men detached from Clark's 11th U. S. Infantry.

Oct. 9 1813, Gen. Wilkinson issued orders dividing his army at Sackett's Harbor into four brigades, and a reserve; the fourth brigade consisting of the 11th, 21st, and 14th regiments of U. S. Infantry, under Brig. Gen. Swartwout.[1] The battalion of the 11th consisted probably of three companies from Vermont, and three from New Hampshire, though the soldiers from both States were somewhat mixed in all the companies in the regiment.[2]

Oct. 21, the army left Sackett's Harbor for the voyage down the St. Lawrence, Wilkinson sick, but accompanying the army, and on the 7th of November entered the rapids below Ogdensburgh.[3] On the preceding day, anticipating a successful passage, Wilkinson advised Hampton to meet him with his army at St. Regis.[4] The enemy was neither locked up in Wilkinson's rear, nor forced to follow him without artillery, but on the contrary our sick General was molested by artillery and infantry on the shore, and dogged by gunboats in the rear. Nov. 9th troops were landed under Gen. Brown to clear the coast to the head of the Long Saut, which was accomplished, and on the 10th he continued the work and reached the foot of the Saut. The flotilla reached and remained near the head of the Saut until the 12th, Gen. Boyd in the mean time having landed his troops to prevent an attack from the enemy. On the 11th the enemy attacked, and the severe battle of Chrystler's Farm —sometimes called the battle of Williamsburgh—was fought by Gen. Boyd, aided by Covington and Swartwout. Gen. Wilkinson wrote at the moment that the action "for the numbers engaged was extremely warm and bloody for upwards of two hours, during which time, in open space and fair combat, the raw undisciplined troops of the United States braved, and frequently drove, the best troops of the British army."[5] Lossing, writing from more complete materials than Wilkinson had when the entry was made in his journal, states that "the conflict lasted about five hours, in the midst of cold, and snow, and sleet, when the Americans were compelled to fall back." Then Lt. Col. Timothy Upham and Major Malcom checked this retreat, attacked the enemy, and drove them back, when both sides suspended further fighting. The Americans retired to their boats during the night, and the British remained upon the field. "Neither party had gained a victory," wrote Lossing,

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[1] *Memoirs by Gen. Wilkinson*, Vol. 3, Appendix III.

[2] See rolls in *Adjt. General's Report, New Hampshire*, 1868, pp. 36-69 of the division on the Military History of New Hampshire.

[3] *Am. State Papers*, Military Affairs Vol. I, pp. 476, 477.

[4] Same, p. 462.

[5] Same, pp. 477, 478.

"but the advantage was with the British." But as the British did not prevent the army from prosecuting its voyage, Wilkinson justly said that they could not claim a victory.[1] The official report of our losses shows 102 killed, and 237 wounded; missing not included. Of the 11th regiment, Lieut. William S. Heaton of Capt. Benj. F. Edgerton's Vermont company, was wounded, and died two days after the battle. Of the same company, William Briggs, Manson S. Coggswell, O. Hall, Horatio Lord, John McMelly jr., Joseph Orn, Ebenezer Orn, Nathaniel Sias, Christopher Tohn, and Daniel Woodbury were reported missing.[2] The *History of the War*, (Hartford, 1815,) states the American loss at 122 killed, 251 wounded, missing 31—and the British loss at 210 killed, 248 wounded, prisoners 17.

Nov. 12 the army passed the Saut and joined Gen. Brown near Cornwall, Wilkinson expecting to find Hampton's army at St. Regis on the opposite shore, but instead received notice that Hampton declined meeting him there, and was marching towards Lake Champlain. A council of war was therefore called, which determined to suspend the attack on Montreal, and to remove to French Mills; and accordingly the army went into winter quarters there.[3] According to the report of his Adj't. General, Wilkinson's army numbered 8,143, and the battalion of the 11th regiment 454, Dec. 1 1813, showing a loss to that battalion of 74 since the 23d of the preceding August.

The British on Lake Champlain decline a battle.

About the 1st of December Macdonough sailed to King's Bay and anchored under Point au Fer. On the 4th Capt. Pring entered the lake with six British galleys, landed at Rouse's Point, and burned a small shed there, which had been used as a public storehouse. Macdonough at once weighed anchor, and, it being calm at the time, attempted to work out of the bay with sweeps. At the same time he sent Lieut. Cassin forward with four row galleys with orders to bring the enemy into action and thus detain them until the sloops could come up. The British, however, refused to engage.[4]

British Raid on Derby Vt.

December 27, a detachment of British troops, under Capt. Barker of the frontier light infantry, crossed the line into Vermont and destroyed some public storehouses and barracks which had been erected at Derby. In consequence of this, and threatening movements of the British on the Richelieu, Wilkinson broke up the camp at French Mills [February 1814,]

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[1] *Lossing*, pp. 652, 653.

[2] *Adj. General's Report of N. H.* 1868, *Mil. Hist. of N. H.* pp. 57, 58.

[3] *Am. State Papers*, Mil. Aff. Vol. 1, p. 478.

[4] Palmer's *Lake Champlain*, pp. 198, 199; and *Sketches of the War*, p. 289.

and the troops, magazines, and provisions were removed to Lake Champlain.[1]

The British official account of the raid upon Derby was as follows :

H. Q. QUEBEC, Jan. 9. 1814.

O. G. [GENERAL ORDER.]

His Excellency the Governor in chief and commander of the forces has received from Col. Sir Sidney Beckwith a report from Capt. Barker of the Frontier Light Infantry, stating the complete success of an expedition committed to the charge of that officer, against the enemy's post and depots at Derby in the State of Vermont, which were taken possession of at daybreak on the 27th December; extensive barracks for 1200 men, lately erected, were destroyed, together with the stables and storehouses, and a considerable quantity of valuable military stores have been brought away.

Captain Barker mentions Captains Curtis and Taylin, Lieuts. Massa and Bodwell, and Ensign Baynton of the Township Battalions of Militia, as having been most active with the volunteers of the Militia, in the execution of this judicious and spirited enterprise.

E. BAYNES, *Adjt. Gen.*

GOV. CHITTENDEN AND VT. MILITIA AT VARIANCE.

Pending the abortive movements of Wilkinson and Hampton in Nov. 1813, a portion of the militia of the third brigade and third division of Vermont militia, under Lieut. Col. Luther Dixon, crossed the lake into New York and put themselves under the command of Hampton. This was contrary to the views of Gov. Chittenden, who believed the militia to be "peculiarly adapted and exclusively assigned for the service and protection of the respective *states*, excepting in the cases provided for by the national constitution, viz. "to execute the laws of the union, suppress insurrections and repel invasions."—See *ante*, p. 420. In October 1813, at the request of Hampton, Col. Fassett of the U. S. Infantry, who was also at that date General of the third brigade of the third division of the Vermont militia, called out the brigade. On the 6th of Nov. Gov. Chittenden notified the General Assembly that there was a vacancy in that brigade "in consequence of the actual removal of Gen. Elias Fassett from the district of his command," and on the same day Col. Jacob Davis of Milton was elected Brigadier General vice Fassett.[2] The brigade had been called out by Fassett in October in view of the removal of Hampton's army to the Cognawaga to join Wilkinson, of course leaving the Champlain valley defenceless; but in November Hampton returned, being himself at Plattsburgh on the 12th and reporting his army at Chazy.[3] The necessity then for retaining the Vermont Militia at Plattsburgh had passed, Vermont was exposed, and there was much discontent at their absence from the State. Under these circumstances Gov. Chittenden issued the following proclamation:

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[1] Palmer's *Lake Champlain*, p. 198.

[2] Printed *Assembly Journal* of 1813, pp. 128, 133.

[3] *American State Papers*, Mil. Aff. Vol. 1, p. 462.

By His Excellency Martin Chittenden, Esquire,

Governor, Captain General, and Commander in Chief, in and over the State of Vermont,

A PROCLAMATION.

Whereas, it appears that the Third Brigade of the Third Division of the Militia of this State has been ordered from our frontiers to the defence of a neighbouring State: And whereas it further appears, to the extreme regret of the Captain General, that a part of the Militia of said Brigade have been placed under the command and at the disposal of an officer of the United States, out of the jurisdiction or control of the Executive of this State, and have been actually marched to the defence of a sister State, fully competent to all the purposes of self defence, whereby an extensive section of our own Frontier is left, in a measure, unprotected, and the peaceable good citizens thereof are put in great jeopardy, and exposed to the retaliatory incursions and ravages of an exasperated enemy: And whereas, disturbances of a very serious nature are believed to exist in consequence of a portion of the Militia having thus been ordered out of the State:

Therefore, to the end that these great evils may be provided against, and, as far as may be, prevented for the future:

Be it known—that such portion of the Militia of said Third Division, as may be now doing duty in the State of New York or elsewhere, beyond the limits of this State, both officers and men, are hereby ordered and directed, by the Captain General and Commander in Chief of the Militia of the State of Vermont, forthwith to return to the respective places of their usual residence, within the territorial limits of said Brigade, and there to hold themselves in constant readiness to act in obedience to the orders of Brigadier General Jacob Davis, who is appointed by the Legislature of this State, to command said Brigade.

And the said Brigadier General Davis is hereby ordered and directed, forthwith, to see that the Militia of his said Brigade be completely armed and equipped as the Law directs, and holden in constant readiness to march on the shortest notice to the defence of the Frontier; and, in case of actual invasion, without further orders, to march with his said Brigade, to act, either in co-operation with the troops of the United States, or separately, as circumstances may require, in repelling the enemy from our territory, and in protecting the good citizens of this State from their ravages or hostile incursions.

And in case of an event, so seriously to be deprecated, it is hoped and expected, that every citizen, without distinction of party, will fly at once to the nearest post of danger, and that the only rallying words will be—OUR COUNTRY.

Feeling, as the Captain General does, the weight of responsibility which rests upon him with regard to the constitutional duties of the Militia, and the sacred rights of our citizens to protection from this great class of community, so essentially necessary to all free countries—at a moment, too, when they are so imminently exposed to the dangers of hostile incursions, and domestic difficulties—he cannot conscientiously discharge the trust reposed in him by the voice of his fellow citizens, and by the Constitution of this and the United States, without an unequivocal declaration, that, in his opinion, the Military strength and resources of this State must be reserved for its own defence and protection, *exclusively*—excepting in cases provided for by the Constitution of the U. States; and then, under orders derived *only* from the Commander in Chief [i. e. the President of the United States.]

Given under my hand at Montpelier this 10th day of November in the year of our Lord One thousand Eight hundred and thirteen; and of the Independence of the United States the Thirty eight. Martin Chittenden.

By His Exy's Command, Samuel Swift, *Sec'ry.*[1]

This order was not well received by the Vermont troops at Plattsburgh. On the contrary, the Governor's messenger was *helped out of camp*, and the officers met and signed the following reply, which was drawn up by Capt. Sanford Gadcomb.

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[1] *Vermont Republican* of Aug. 29 1814.

CANTONMENT, PLATTSBURGH, Nov. 15, 1815.

To His Excellency, MARTIN CHITTENDEN, Esq., *Governor, Captain General, Commander in Chief, in and over the State of Vermont.*

SIR: A most novel and extraordinary Proclamation from your Excellency, "ordering and directing such portion of the Militia of the Third Brigade of the Third Division of the Militia of Vermont, now doing duty in the State of New York, both officers and men, forthwith to return to the respective places of their residence," has just been communicated to the undersigned officers of said Brigade. A measure so unexampled requires that we should state to your Excellency the reasons which induce us, and absolutely and positively, to refuse obedience to the order contained in your Excellency's Proclamation. With due deference to your Excellency's opinion, we humbly conceive, that when we are ordered into the service of the United States, it becomes our duty, when required, to march to the defence of any section of the Union. We are not of that class who believe that our duties as citizens or soldiers are circumscribed within the narrow limits of the Town or State in which we reside; but that we are under a paramount obligation to our common country, to the great confederation of States. We further conceive that, while we are in actual service, and during the period for which we were ordered into service, your Excellency's power over us, as Governor of the State of Vermont, is suspended.

If it is true, as your Excellency states, that we "are out of the jurisdiction or control of the Executive of Vermont," we would ask from whence your Excellency derives the *right* or presumes to exercise the *power* of ordering us to return from the service in which we are now engaged? If we were *legally* ordered into the service of the United States, your Excellency must be sensible that you have no authority to order us out of that service. If we were *illegally* ordered into the service, our continuance in it is either voluntary or compulsory. If voluntary, it gives no one a right to remonstrate or complain; if compulsory we can appeal to the laws of our country for redress against those who illegally restrain us of our liberty. In *either* case we cannot conceive the right your Excellency has to interfere in the business. Viewing the subject in this light, we conceive it our duty to declare unequivocally to your Excellency, that we shall not obey your Excellency's order for returning; but shall continue in the service of our country until we are legally and honorably discharged. An invitation or order to desert the standard of our country will never be obeyed by us, although it proceeds from the Governor and Captain General of Vermont.

Perhaps it is proper that we should content ourselves with merely giving your Excellency the reasons which prevail upon us to disregard your proclamation; but we are impressed with the belief that our duty to ourselves, to the soldiers under our command, and to the public, require that we should expose to the world the motives which produced and the objects which were intended to be accomplished by such extraordinary proclamation. We shall take the liberty to state to your Excellency, plainly, our sentiments on this subject. We consider your proclamation as a gross insult to the officers and soldiers in service, inasmuch as it implies that they are so *ignorant* of their rights as to believe that you have authority to command them in their present situation, or so *abandoned* as to follow your insidious advice. We cannot regard your proclamation in any other light than as an unwarrantable stretch of executive authority, issued from the worst motives, to effect the basest purposes. It is, in our opinion, a renewed instance of that spirit of disorganization and anarchy which is carried on by a faction to overwhelm our country with ruin and disgrace. We cannot perceive what other object your Excellency could have in view than to embarrass the operations of the army, to excite mutiny and sedition among the soldiers and induce them to desert, that they might forfeit the wages to which they are entitled for their patriotic services.

We have, however, the satisfaction to inform your Excellency, that although your proclamations have been distributed among the soldiers by your agent delegated for that purpose, they have failed to produce the intended effect — and although it may appear *incredible* to your Excellency, *even soldiers* have discernment sufficient to perceive that the proclamation of a Governor when offered out of the line of his duty, is a harmless, inoffensive and nugatory document. They regard it with mingled emotions of pity and contempt for its author, and as a striking monument of his folly.

Before we conclude, we feel ourselves in justice to your Excellency bound to declare that a knowledge of your Excellency's character induces us to believe that

the folly and infamy of the proclamation, to which your Excellency has *put your signature*, is not wholly to be ascribed to your Excellency, but chiefly to the evil advisers with whom we believe your Excellency is encompassed.

We are, with due respect, your Excellency's obedient servants,

Luther Dixon Lieut. Col.	Daniel Dodge, Ensign.
Elijah Dee, Jun., Major.	Sanford Gadcomb, Captain.
Josiah Grout, Major.	James Fullington, Qr. Master.
Charles Bennet, Captain.	Shepard Beal, Lieutenant.
Elijah W. Wood, Captain.	John Fassett, Surgeon.
Elijah Birge, Captain.	Seth Clark, Jr., Surgeon's Mate.
Martin D. Follett, Captain.	Thomas Waterman, Captain.
Amasa Mansfield, Captain.	Benjamin Follett, Lieutenant.
T. H. Campbell, Lieutenant.	Hira Hill, Surgeon's Mate.[1]

Zadock Thompson records that "the militia, however, returned before their time of service was expired, and no further notice was taken of the transaction. Commodore Macdonough went into winter quarters at Otter Creek, with his flotilla, on the 19th of December. Thus terminated the northern campaign for 1813."[2]

Gov. Chittenden's Proclamation in Congress.

In House of Representatives, Jan. 6, 1814.

Mr. Sharp [of Kentucky,] after a number of introductory remarks, explanatory of the laws relating to the militia, which subject them, when in actual service, to the rules and articles of war, and place them, during such time, in all respects on the footing of regular troops, adverted to the recent proclamation of Governor Chittenden, of Vermont, calling the militia of that State from the position assigned them by military orders. This act, he said, was in direct violation of the statute, which makes it penal to entice the soldiers in the service of the United States to desert. This act was done, too, at a critical time, and by a person standing in so conspicuous a station as to require particularly the punishment due to his offence. Mr. S. adverted to the peculiar station of the militia thus ordered home, on a frontier requiring their presence for its protection; and whereas, he said, from their character, they might, indeed, be expected, being the descendants of the Green Mountain Boys who so much distinguished themselves during our Revolution under the illustrious Allen, to have voluntarily aided in the invasion of the territory of the enemy. Under these circumstances, and when their services were most needed, they were invited by Governor Chittenden to desert their position. His conduct in this respect must meet the decided reprehension not only of every member of this House, but of every good citizen of the union. It ought then to receive legal scrutiny. His offence ought to be punished, lest our laws should be subject to the remark which was applied to Solon's: that they were like cobwebs, which entangled the weak, but which the strong could break through. To bring this subject directly before the House, he offered the following resolutions:

Resolved, That the militia of any of these United States, or the Territories thereof, when lawfully employed in the service of the United States, are subject to the same rules and articles as the troops of the United States.

Resolved, That every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States to desert, is guilty of an infraction of the laws of the United States and subject to punishment.

Resolved, That His Excellency Martin Chittenden, Governor of the State of Vermont, by issuing his proclamation, dated at Montpelier, on the 10th day of November, in the year of our Lord 1813, did entice soldiers in the service of the United States to desert. Therefore,

Resolved, That the President of the United States be, and he is hereby, requested to instruct the Attorney General of the United States to institute a prosecution against the said Martin Chittenden.

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[1] *Vt. Hist. Magazine*, Vol. I, p. 671.

[2] *Thompson's Vermont*, Part II, p. 96.

Mr. Fisk, of Vermont, said he had hoped, and in so saying he believed he expressed the sense of the whole delegation from the State of Vermont, that these resolutions would not have made their appearance. He believed that very few persons in Vermont approved of that proclamation. He was certain there were none of the delegation from that State who approved it. The act was unjustifiable, but it was the act of the Governor of a State. The resolutions were objectionable in several points of view, of which he would briefly notice only one or two. If Gov. Chittenden had committed an offence against the laws, he was liable to the proper tribunal. It was not proper that the House of Representatives should turn informers. The courts of justice should be as clear from any improper influence as possible. If the resolutions should be adopted, and the weight of the opinion of the House of Representatives were such as it ought to be, it would be conclusive against the individual concerned: if, however, they failed in convicting him, and merely excited public sympathy in his favor by their accusation, it would place this body in an unpleasant, if not ridiculous point of view. In such case the House had no constitutional power; and all resolutions on the subject must be improper. As well as for another reason: these resolutions declare the law to be so and so, and then declare the Governor to have violated the law. Now, said Mr. F., our resolutions neither make or strengthen laws, and therefore can be of no use. Viewing the resolutions as objectionable in every point of view, he moved that they lie on the table.[1]

Mr. Sharp said, as the delegation from Vermont appeared to object to the form or principle of these resolves, he had no objection to let them lie for consideration.

Mr. Grosvenor [of New York] said, if, without expressing any opinion on the part of this House, the resolutions merely directed the Attorney General to institute a prosecution against Governor Chittenden, he, for his own part, would not object to them. He had no objection to let the Judiciary, under the constitution and law, decide the question at once, whether the Governors who had acted with Governor Chittenden had or had not acted constitutionally.[2] Without knowing what was the opinion of others, if that part was expunged which threw the opinion of this House in the scale against the gentleman implicated, he should not object to a resolution which should place the question properly before a judicial tribunal, where alone it could be correctly decided.

Mr. Wright [of Maryland] said he was of the same opinion with the gentleman last up, but for a different reason. He did not wish the crime in question to be considered as the mere breach of a penal law. He held in his hand the constitution of the United States, which defined the crime of treason to be levying war, &c. and affording aid and comfort to the enemy. He had no idea of confining the offence of Governor Chittenden either expressly or by inference to the mere peccadillo of violating a law, when he appeared to have violated so much more important and authoritative an instrument.

Mr. Findley [of Penn.] said he had no objections to the resolutions lying on the table; but was totally opposed to this House giving its opinion on the law, or directing the prosecution of any one. He was opposed to the whole resolutions,

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[1] July 1 1812 the President nominated Mr. Fisk as Judge of the Territory of Indiana, and he was confirmed; but he declined the office. This appointment was ridiculed by the Federal presses in Vermont, but the discretion exhibited by Judge Fisk on this occasion goes far to show that he was not unworthy of such an office.

[2] The governors of Massachusetts, Connecticut, and Rhode Island have objected to the requisitions made on their several states for parts of their respective quotas of militia on the following grounds: 1st, That the president has no power to make a requisition for any portion of the militia, for either of the purposes specified by the constitution, unless the executive of the state on whose militia such call is made, admits that the case alleged exists, and approves the call. 2d, That when the militia of a state should be called into the service of the United States, no officer of the regular army had a right to command them, or other person, except the president of the United States in person.—*Secretary of War to committee of the U. S. Senate on military affairs*, Feb. 11, 1815.

because he believed no good could come of them, though he should, for the present, vote for their lying on the table.[1]

The resolutions were never considered again.

CAMPAIGN OF 1814.

It was determined by the cabinet that the campaign of 1814 in the north should be the same as the preceding campaigns, to wit, an invasion of Canada. Croghan was to move against the British on the upper lakes; Brown on the Niagara frontier; and Gen. Izard, in the Champlain region, was to cut the connection on the St. Lawrence between Montreal and Kingston.[2] The Vermont troops were employed in two of the three parts of this scheme — part of the 11th [Clark's] U. S. regiment on the Niagara frontier; and the remainder of the 11th, the 30th [Fassett's,] the 31st [Dana's,] and the Vermont militia and volunteers in the vicinity of Lake Champlain. Subsidiary to these general movements was a continuation of the war upon the smugglers, and the harrassing of the Canadians in the vicinity of the Vermont and New York lines — business in which Col. Clark continued to be very efficient.

Jan. 14, a detachment of thirteen mounted infantry was ordered to the line near Highgate, which, after crossing and recrossing the lines, found no smuggled property, and returned to supper at Mr. Dibbles. After supper and when prepared to remount, they were met by a party of thirty armed smugglers, who commenced firing upon them, which was returned with spirit until the smugglers charged, and then the door was defended until seven of the infantry escaped, the rest being taken prisoners except sergeant Butler commanding, who being badly wounded was left, and subsequently died.[3]

Feb. 13, pursuant to orders from the War Department, Gen. Wilkinson broke up the cantonment; seven regiments of infantry (part of the 11th included) and one company of artillery marched for Sackett's Harbor under Gen. Brown; six regiments of infantry, one of heavy and one of light artillery, marched to Plattsburgh; and one brigade (including the 30th and 31st regiments,) marched to Burlington under Gen. Macomb.

Feb. 19th, having learned that our army had left, the British made a raid for plunder at French Mills and vicinity, and on the 21st Gen. Wilkinson marched with three thousand men, but on proceeding ten miles from Plattsburgh, he learned that the enemy had left for Canada. In this expedition the British gained a considerable amount of plunder, but lost more than one hundred regulars by desertion, fifty of whom came to Plattsburgh, and the remainder went to Sackett's Harbor.

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[1] Annals of Congress, 1813–14, Vol. 1, pp. 859–861.

[2] *Lossing*, p. 789.

[3] *Vermont Republican* of Jan. 31 1814.

REGIMENTAL ORDERS.

BURLINGTON, Feb. 24th, 1814.

All noncommissioned officers and soldiers belonging to the Eleventh Regiment of Infantry, who are absent from said regiment, either on furlough or otherwise, are hereby ordered to return to their duty or they will be considered as Deserters, unless they report themselves to the commanding officer of said Regiment, at this post, immediately on the expiration of their furloughs.

ISAAC CLARK, *Col. 11th Infantry.*

The printers in Vermont and New Hampshire are requested to give the above a place in their papers.[1]

PLATTSBURGH, March 12 [1814.]

It is with pleasure we inform our readers, that General Wilkinson seems determined to destroy the traitorous intercourse kept up by men who call themselves Americans, with our enemies in Canada. Small detachments have been tried without effect, and now strong ones are put in motion. Colonel Clark marched the 8th inst. with Major Bailey, and a detachment of one thousand infantry and one hundred mounted riflemen, all Green Mountain Boys, to take possession of the frontier, from the lake east to Connecticut river; and on the 10th inst. another detachment of 300 prime riflemen and sixty dragoons marched under Major Forsyth, whose name carries terror to the enemy, to guard the lines west of the Lake.

We understand the orders of those officers are to make prisoners of every British subject detected within the limits of the United States, and to apprehend and deliver to the civil authority, for trial and punishment, every American citizen found in Canada.[2]

BURLINGTON, March 25, 1814.

AMERICAN STANDARD PLANTED AT MISSISQUOI BAY.

On Thursday of last week, [March 17,] Colonel Clark advanced with his detachment into the enemies' country as far as South river (within sixty [six?] miles of Isle-aux-Noix,) captured the enemies' picket or advance guard, took sixty stand of arms, four oxen and six horses, after which he returned to Missisquoi bay, planted the American Standard and has there taken up his quarters. The Colonel has been joined by General Macomb with most of the Infantry from this post, and several detachments of artillery from Plattsburgh.

Previous to Col. Clark's invasion of the enemies' country, he gave positive orders to his detachment in all instances to respect private property, under the pains and penalties of the rules and articles of War.

Major Forsyth has advanced on the other side of the lake, within three miles of the Island, and has now made his quarters at Chazy or Champlain. We understand that a large reinforcement is to join him today from Plattsburgh.

BURLINGTON, April 1, 1814.

We understand that the lake north of the lines is broken up, and that the enemies' fleet has been out south of Ash Island.

Colonel Clark and his infantry, lately stationed at Missisquoi Bay, have crossed the lake and formed a junction with the forces on the western side, under the command of Major General Wilkinson. On Wednesday last, [March 29,] we learn that our army had advanced within six miles of the enemy, who were posted and fortifying at the River La Cole. Colonel Clark and Major Forsyth were in the advance.[3]

BATTLE AT LA COLLE MILL.

BURLINGTON, April 4, 1814.

The following account of the movements of our Army is received from a source which may be relied on.

The Army has been in motion on various parts of our frontier. Some time since, a detachment was moved towards Missisquoi Bay, under command of Colonel Clark of the 11th Regiment, with a view to cut up by the roots the smuggling intercourse

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[1] *Vermont Republican* of Feb. 21 and March 7 1814.

[2] Same of March 28 1814.

[3] Same of April 4 1814.

which had been carried on to a great extent; besides it was necessary to prevent the constant supply of provisions which were daily passing to the enemy from this state. This business was executed by Col. Clark with great zeal and promptness, and it is believed that the smuggling for the present is completely put down. The enemy having threatened Col. Clark's detachment, General Macomb was ordered by Major General Wilkinson to support him, and cut up any detachments of the enemy that might appear in our vicinity. The whole force of the American army on this side of the lake took post at St. Armands and remained there until it was ordered across the lake to join the main body under General Wilkinson at Champlain, where the Gen. had collected about 3000 men with a view of making a diversion in favour of the corps under Major Gen. Brown, who had marched for the Niagara Frontier. To give a more serious aspect to the movements of the army and to produce the contemplated diversion, an attack on the enemy's force at La Cole was contemplated, and on the 29th of last month the whole army moved on the Odletown road, with a view of attacking at La Cole Mills. The army unfortunately missed the road and proceeded about two miles beyond the small passage that led to the Mills, and after some trifling skirmishes with the enemy beyond Odletown, the army entered the proper route and drove the enemy's light troops before them and reached the Mills about half past three in the afternoon. General Wilkinson so disposed the troops as nearly to encircle the mill and brought up a howitzer and one 12 pounder to batter the walls, but after considerable time it was found little effect was produced. The enemy kept up a galling fire during the whole time our troops lay before the place from the loop holes cut in the Mill, and directed a great portion of his fire on the two pieces of artillery; our troops returned the fire with great coolness and with deliberate aim. The enemy made two sallies and charged Brig. General Smith's left in the first, but were repulsed with considerable loss. Towards the evening a British regiment arrived and made a charge on part of Brig. Gen. Bissell's brigade, but was so warmly received that they instantly fell back, leaving twelve men dead on the field, and suffered severely in wounded, (from their own accounts.) The American troops behaved with the utmost coolness and suffered less than the enemy, notwithstanding the advantage he had in point of position. Our loss was six officers wounded, 8 men killed, and 60 wounded. The officers wounded are Captain McPherson and Lt. Larabee of the Lt. Artillery, Lt. Can [Kerr] of the Riflemen, Lt. Green of the 24th, Lt. ——— of the 12th, and Ensign Parker of the 14th, who is since dead. The enemy's force was not ascertained, but computed at 1500; our force was double that number, but not more than one half was brought into the action. The whole of Brigadier Gen. Macomb's command was in the reserve and not at all engaged. Maj. Forsyth's Riflemen and Clark's detachments formed the line round the Mill. The American army returned to their camp late in the evening, without leaving a single man behind, or even a single article for the enemy to claim as a trophy.[1]

The advance guard consisted of the rifles under Maj. Forsyth, and the 30th; 31st and part of the 11th infantry [Vermont regiments,] under Col. Clark; in all about 600 men. These were followed by two corps of infantry under Brig. Generals Bissell and Smith; and a reserve of 800 under Gen. Macomb brought up the rear. The loss of the Americans was 104 killed and wounded, and of the British, according to their report, 10 killed and 46 wounded.[2]

Lossing states that the mill was a heavy stone structure, with walls eighteen inches in thickness, and its windows barricaded with heavy timbers, through which were loop-holes for muskets. The British also occupied a block-house and a strong barn, around which were intrenchments. On the other hand the Americans were in the open fields, ex-

[1] *Vermont Republican* of April 18 1814.

[2] Palmer's *Lake Champlain*, for which see an account of the battle, pp. 203–207.

posed to the galling fire from the protected enemy, who repeatedly charged upon them but in vain. Hence the disparity in the losses, which Lossing states as follows: Americans, 13 killed, 128 wounded, 13 missing; British, 11 killed, 2 officers and 44 men wounded, and 4 missing.[1]

In the trial of Gen. Wilkinson by a court martial, in 1815, this affair was fully investigated and Wilkinson was honorably acquitted, it being evident that he failed on account of the mill being impervious to the artillery. Col. Clark was one of the witnesses on the part of the prosecution, and as he commanded the Vermont troops, who constituted most of the advanced party and were nearest to the enemy in the action, his testimony is here given, as follows:

Isaac Clark, Colonel of the 26th regiment of U. S. Riflemen,[2] being sworn and examined, as a witness on the part of the prosecution, testified that in March, 1814, (he thinks on the 29th of the month,) he accompanied Major General Wilkinson in the expedition against the Mill of La Cole in the province of Lower Canada. He commanded the advance guard of the army, consisting of the riflemen under Major Forsyth, the 30th and 31st [Vermont] regiments of infantry, and part of a company of the 11th, [Vermont and New Hampshire,] in all amounting to about six hundred men. He could not state exactly what was the whole effective force employed in the expedition, but from observation he should say it was between three and four thousand men. His first orders were given to him by General Wilkinson, who informed him he was to command the van, and designated the corps which were to compose it. Subsequently he received orders from Colonel Cummings, adjutant-general. He could not tell what time the army left Plattsburgh, as he was ordered from Missisquoi Bay and joined it at Champlain, about eight miles from La Cole Mill. The distance of the latter from Plattsburgh is about thirty miles. The roads were bad, and the season unfavourable; but the day on which they marched was pleasant.

The van marched from Champlain about 10 o'clock in the morning; and according to his impression, though he cannot be precise, it arrived before La Cole about 1 or 2 o'clock P. M. In their approach to it they had to turn off from the main road and proceed nearly four miles through the woods; they had nothing but a sleigh path, not wide enough for artillery, and in many places obstructed by trees cut down for the purpose; axe-men were employed to clear away these obstacles and in some parts to straighten the road. Parties of the enemy also occasionally appeared, but did not much impede their march. The witness further stated that he does not know of there being a better road than the one they took. What pieces of artillery accompanied the army, and of what calibre, it is impossible for him to tell, but it was said there was an eighteen, a twelve, and a six pounder.[3] They had draft

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[1] For Lossing's account, with plan of the battle and engraving of the mill &c. see his *Field-Book of the War of* 1812, pp. 789-791.

[2] June 13 1814 a recruiting office was opened at Burlington for a regiment of riflemen, but styled the 26th U. S. Infantry, of which Isaac Clark [formerly of the 11th but then of the 48th regt.] was Colonel, Benjamin Forsyth Lieutenant Colonel, and Orsamus C. Merrill Major. These appointments were made April 5.—*Northern Sentinel* of June 17 1814.

[3] The eighteen pounder broke down on the march, and could not be brought on to the field. There was no six pounder, but a five and a half inch mortar, which with the twelve pounder was placed in battery at the distance of two hundred and fifty yards from the mill, under com-

horses with them, but what number of them he does not know, nor whether any oxen accompanied the expedition. The mill he should judge is about fifty or sixty feet long and forty feet broad. It is a strong building, and the stones which form the walls are principally large and heavy. The walls must be from two and a half to three feet thick, and resisted what were called twelve pound ball for two hours, and no visible impression was made on them. There were several log buildings adjacent to the mill which appeared to be occupied by the enemy and from which there was firing. There was also a building called a block house, but he did not conceive it was built purposely for that use. He thought the enemy had one piece of artillery ; but whether the shot proceeded from the mill or from a gun-boat adjacent he could not say. It was impossible to ascertain the number of the enemy from appearance, as they were under cover. But from information given by deserters and prisoners there must have been six or seven hundred men in and about the mill, consisting of four companies of the 13th regiment and forty or fifty incorporated militia. In addition to these, two companies of voltigeurs came up, an hour and a half after the commencement of the action, attacked our line, and on being repulsed also retired into the mill. The walls of the mill are three stories high, and in every direction were loopholes and apertures for musketry, and some through the roof. The mill had one door on the east side, but none was visible in the south, where we made our approaches. Half an hour after the attack commenced, two pieces of artillery, a twelve and a six pounder [mortar,] were brought up and opened a fire upon the mill, but the eighteen pounder did not approach the scene of action within a number of miles. Why it remained behind he could not say ; but after finding that no impression was made by the two pieces employed, he rode to General Wilkinson and asked if he had not some heavier artillery. The adjutant-general, or some other officer near him, replied that the carriage of the eighteen pounder was broken. He also deposed, that the roof of the mill was of wood, but that no red hot shot was used to set fire to it as they had no furnaces. During the attack two companies, who he understood from deserters were part of the 13th regiment, sallied from the mill upon the centre of our line, apparently to take the field pieces. They were defeated with great loss, very much cut to pieces, and after their repulse re-entered the mill. It would have been rather difficult for our troops to have followed them up and entered the place with the enemy, as the mill was very well guarded, and he heard no proposition of that effect at the time. He does not know whether the surrender of the place was demanded, but was confident there was no flag sent out.

The mill was on the north side of a stream frozen over ; our attack was against the south side. The advance was regularly posted, and the fire of the artillery was kept up about two hours; there was perhaps a short cessation for want of cartridges. The firing of musketry, on both sides, continued until our artillery was moved out of danger, and the whole ceased near sundown. Our army remained near the scene of action not exceeding half an hour longer. The witness then, by order of General Wilkinson, withdrew a party of four hundred men (consisting of Major Forsyth's riflemen and 200 men of General Bissell's brigade,) who had been detached to the rear of the mill to cut off the retreat of the enemy in case our artillery had effected a breach and battered down the wall. The whole army shortly after marched back to Odletown, about six miles distant, where they remained during the night. There was nothing hasty or precipitate in this retreat. Orders were given to collect all the dead and wounded before the army retired, which was accomplished as far as related to the corps which he commanded, and the wounded were principally sent to Champlain. The day following, the army commenced its retrogade march to Plattsburgh.

The witness also stated that the artillery pointed against the south side of the mill were not in an oblique position : the shot struck square and there was no

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mand of Capt. Mc Pherson, who was wounded and compelled to retire. Lieut. Larabee succeeded in command of the battery and was also wounded and retired, when Lt. Sheldon commanded and continued to ply his artillery vigorously until he was ordered to withdraw with the army. Sheldon was a perfect "dare-devil." — See *Vt. Hist. Magazine*, Vol. 1, p. 579.

glancing.[1] He could not undertake to say whether the place ought to have been carried by the force under General Wilkinson's command, nor whether the retreat was disapproved of by the officers generally, as he immediately left the main body [to return to Missisquoi Bay.] General Wilkinson was several times on the field during the attack, and the witness recollects having received orders from him, and having seen him come up to the rear of the line when the voltigeurs made their charge. The orders then given he could not hear, but presumed General Wilkinson directed all the operations of the day. The troops appeared to be very well disciplined and kept their stations. Nine or ten were killed and thirty or forty wounded of the corps commanded by the witness;[2] but he does not know the loss of the other corps, nor why a retreat was ordered. But at the time it occurred, he observed the enemies' fire slackened, and concluded from it they must have been short of ammunition. Our line was then distant from the enemy between one hundred and one hundred and fifty yards, within fair musket shot.

In the early part of the affair the advance, by order of the witness, had been drawn up a few rods nearer the enemies' work, in part covered; but finding this position too much exposed, he caused the troops to retire and form four or five rods in the rear. He also stated that he does not know that any of the troops were uselessly employed or unnecessarily exposed during the day.[3]

The failure to capture the mill was charged to the want of artillery sufficiently powerful for the work; not to the army, which was sufficiently large and composed of men who stood firmly to their work until they were ordered to withdraw. On the morning after the battle Gen. Wilkinson issued the following:

HEAD–QUARTERS, ODLE TOWN, Province of Lower Canada, March 31st 1814.

GENERAL ORDER.

The affair of yesterday is honorable to the Troops, and gives them a title to the thanks of the General and their Country. The constancy and courage exhibited under a tedious and galling fire of the enemy was exemplary, and would have done credit to the oldest troops in the world. Where every officer and every man evinces the same firmness and intrepidity, the General feels that it would be invidious to particularize. The advance under Colonel Clark and Major Forsyth, the corps under Brig. Generals Smith and Bissell, beat the enemy at every point of attack, and repulsed several desperate charges on our artillery. And the select corps under Brig. General Macomb, who were panting for the combat, if there had been occasion for their services, would have displayed equal valor. Every man and officer, every member of General's staff, manifested the utmost prompitude and decision. The conduct of Captain McPherson and his seconds, Lieuts. Laribee and Sheldon, who commanded the battery, was so conspicuously gallant that the army will excuse the General for designating them. The first kept his post until brought to the ground by a second shot; the second until grievously wounded, and the third behaved with the utmost intrepidity and maintained his ground until ordered to bring off the pieces.

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[1] Lossing's map of the battle-field shows that the position of the battery was somewhat to the left of the site of the mill; nevertheless the south side of the mill may have fronted the battery.

[2] This is a large majority of the killed on the American side, and nearly one third of the whole number of the wounded—thus indicating that the Vermont troops bore their full share in the fight.

[3] *Memoirs by Gen. Wilkinson*, Vol. 3, pp. 155–159. See same Vol. for council and general order as to the expedition, and the order of march, appendix X, and XI. It appears that the council expected he would bring 2300 men into the action.

Let the meritorious dead be collected and buried with the honors of war in the same grave. Let the wounded be cherished with the utmost tenderness, and removed to hospitals in the rear. And let the troops be immediately completed to sixty rounds of ammunition, and held perfectly ready to meet the enemy should he venture to advance.[1]

Vermont Militia called out.

April 5, Gen. Wilkinson at Champlain informed Commodore Macdonough at Vergennes that the vessels of the enemy on Lake Champlain would soon be ready to sail, and probably would attempt to land a force for the purpose of destroying Macdonough's vessels, a part of which were in Otter Creek and others on the stocks. Wilkinson added that he could not, for the want of cannon, erect batteries at Rouse's Point to command the Lake. On application, Gov. Chittenden ordered out the militia in Franklin, Chittenden and Addison Counties, 500 men to be stationed at Burlington and 1000 at Vergennes, to guard the shipping and public property on the Lake; and on the 11th Wilkinson advised Macdonough to erect a strong battery at the mouth of Otter Creek, promising the co-operation of Gen. Macomb. From the 16th to the 20th Gen. Wilkinson and Gov. Chittenden were both at Vergennes, and the site of the proposed battery was agreed upon; the Vermont Militia, except the company of Capt. Wm. C. Munson of Panton, was discharged, on condition that they should rally on the firing of alarm signals, and Macomb was ordered to send a force of 500 men to Vergennes. On the 22d, in consequence of Wilkinson's order to Macomb, the Governor discharged the Militia.[2]

Attack on Macdonough at Otter Creek.

May 14, a little before sunrise, the British fleet, consisting of a bomb-sloop and eighteen gallies, commenced a heavy and spirited fire on the battery at the mouth of Otter Creek, which was returned by the battery, in which some of the militia from the town of Addison, and other towns in the neighborhood, aided. Commodore Macdonough promptly came down the river with his new sloop of war and several galleys, and in an hour and a half the enemy were forced to retreat without our losing a man or suffering any injury. The British lost two fine row-boats. After this repulse their galleys entered the river Bouquet to seize some government stores, and on returning these were fired upon by a body of New York militia hastily gathered, and nearly all the men in the last galley were killed or wounded. A few days afterward Macdonough entered the Lake with his fleet and anchored in Cumberland bay, the scene subsequently of his great victory.[3]

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[1] *Vt. Republican* of April 25 1814.

[2] *Memoirs by Gen. Wilkinson*, Vol. 3, Appendix LXX; *Northern Sentinel* of April 15 1814; and Swift's *History of Middlebury*, pp. 433–437.

[3] Palmer's *Lake Champlain*, pp. 207, 208; Swift's *Middlebury*, p. 437; and *Vt. Republican* of May 23 and June 6 1814.

Death of Lieut. Col. Forsyth.

The affair at La Colle mill closed Wilkinson's career in the Lake Champlain valley, he having been recalled and subjected to a court of inquiry, by which he was honorably discharged. Major General Jacob Brown succeeded to the command of the ninth military district, and Maj. Gen. George Izard, a native of South Carolina, was left in command of the right wing of the northern army. Both armies in the Champlain valley had been largely increased, the British concentrating at La Colle and other points near the line, and having their fleet at hand. From the 11th to the 31st June, our army in strong force advanced from Plattsburgh to Champlain and Chazy, the 30th and 31st U. S. regiments with this army, in Brig. Gen. Daniel Bissell's brigade. Macdonough co-operated by anchoring his fleet in King's Bay, north of the mouth of the Big Chazy river. June 24th, Major Forsyth, then promoted to a Lieutenant Colonelcy, advanced to Odletown with 70 riflemen, where he was attacked by a detachment of 200 light armed British troops. Forsyth repulsed them and returned to Champlain with a loss of one killed and five wounded, the British losing three killed and five wounded. On the 28th he was ordered to enter Canada again, for the purpose of drawing the British across the line into an ambuscade. This he accomplished, drawing out Capt. Mayhew with about one hundred and fifty Indians. As the enemy approached the ambuscade, Forsyth stepped upon a log to watch their movements, when he was shot through the breast by an Indian. The rifles immediately uncovered and fired upon the enemy, who retreated in great haste, leaving seventeen of their number dead upon the field.[1]

Benjamin Forsyth was appointed to the army from North Carolina in 1808, and distinguished himself on various occasions in 1812, '13, and '14. Mr. Palmer says he was the best partizan officer in the army, and that his men declared they would avenge his death, and did so by killing Capt. Mayhew, who, with Forsyth, was buried at Champlain. Lt. Col. Forsyth was succeeded by Major Daniel Appling of Georgia, who had distinguished himself on various occasions, and subsequently at the battle of Plattsburgh. Forsyth and Col. Isaac Clark of the 11th U. S. Infantry had been associated in effective service on the frontier, and in April 1814 they were transferred to the 26th Infantry, consisting of riflemen. On the 30th of June Col. Clark issued the following regimental order:

> Col. Clark having received intelligence of the death of Lieutenant Benjamin Forsyth, of the 26th Infantry, who bravely fell at Odletown on the 28th instant, fighting in defence of the rights and liberties of his country: The officers of the regiment will wear crape on the left arm thirty days, in testimony of their regret for the loss of that valuable and distinguished officer.
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> *Rendezvous* 26th Infantry, Burlington, June 30, 1814.[2]

[1] Palmer's *Lake Champlain*, pp. 208, 209; and *Vt. Republican* of July 4 and 11 1814.

[2] *Northern Sentinel* of July 1 1814.

Maj. Orsamus C. Merrill of Bennington, of the 11th infantry, was appointed Lieut. Col. of the 26th regiment vice Forsyth killed, and Capt. Z. Taylor, of the 7th infantry, was appointed Major vice Merrill promoted. "Capt. Z. Taylor" was, in 1849, President of the United States.

THE CAMPAIGN OF 1814 ON THE NIAGARA FRONTIER.

As the purpose here is to record only the services of the Vermonters in the 11th U. S. Infantry, who were in some of the severest battles of the war, it is not deemed necessary to give all the details of those battles, but rather the part touching particularly the 11th regiment. Col. Clark testified that only part of a company of the 11th regiment was under his command at the attack on La Colle Mill in March 1814, hence it is probable that the largest part of the regiment left the cantonment at French Mills, in the preceding February, for the Niagara frontier. It appears that, without any serious engagement with the enemy, it was near Buffalo at the close of June, in the brigade under the immediate command of Gen. Winfield Scott, who had taken special pains to discipline his men, so that in battle and under fire they manœuvered with the accuracy of parade.[1]

Capture of Fort Erie.

July 2 1814, in response to orders from head quarters, Maj. Gen. Brown ordered an attack on Fort Erie, directing Scott to cross through a difficult pass in Black Rock rapids and land a mile below the fort, while Gen. Ripley was to cross from Buffalo and land about the same distance above the fort, and the two were then to invest it. Scott crossed before daylight, with the 9th, 11th, part of the 22d, and the 25th regiments, and a corps of artillery, and landed unmolested. Ripley delayed, but Scott pushed forward, and Brown resolved to attack without waiting for Ripley, and invested the fort before Ripley arrived, who however reached the ground in time to take his investing position. At six o'clock in the evening the British, about two hundred in number, surrendered. The Americans lost four killed, and two or three wounded, and the British one killed.[2] While this work was going on, the British General Riall ordered up troops for the relief of the fort, who were met and checked in front of Chippewa by intelligence of the surrender. Riall then determined to attack the Americans at once, but was persuaded to wait until the next morning, for the arrival of a reinforcement.

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[1] *Lossing's Field-Book of the War of* 1812, p. 802; *History of the late War*, p. 35; and *Autobiography of Lieut. Gen. Scott*, Vol. I, pp. 119–121. Gen. Scott adopted the French system of tactics, with which the British officers ought to have been familiar.

[2] *Lossing's Field-Book*, &c. pp. 804, 805.

July 4, morning, Scott marched his brigade toward Chippewa. Ripley was not ready until late in the afternoon, and Scott again advanced without Ripley's support. For sixteen miles this march was a continual and successful skirmish, chiefly with the British one hundredth regiment, whose commander, the Marquis of Tweeddale, supposed Scott's men were the Buffalo militia, and accounted for their bravery on the impression that Independence day inspired them with unusual courage. Scott reached Chippewa plain and encamped for the night behind Street's creek, not far from which, across Chippewa creek, the British were encamped. The main body of Brown's army did not join Scott until midnight; so all the credit of that day's work belonged to Scott's brigade and Towson's corps of artillery accompanying it.[1]

Battle of Chippewa Plain.

The scene of the fierce battle of the 5th of July was a plain, about two miles in length, lying between Street's and Chippewa creeks, and bounded on the east by Niagara river, and on the west by a forest. The plain admitted of close work, face to face, and the day was clear and hot. For several hours, beginning in the morning, the scouts and pickets of both armies tried each other. Finally at 4 o'clock p. m. the American pickets on the extreme left of Scott's line were so annoyed by a heavy body of British troops and Indians in the woods, that Gen. Porter was sent with three hundred Pennsylvania volunteers and four hundred Indians to dislodge them. This was done effectively, the enemy flying in affright toward Chippewa, dreadfully smitten by the pursuers. Porter then found himself in front of the entire British force advancing in battle order, who charged him furiously and in turn compelled him to retreat in a tumultuous rout, and re-form on Scott's left. The entire British force was then upon the plain, when Ripley was ordered to proceed through the woods and fall upon the British right to make a diversion in favor of Scott, while the latter was directed to cross Street's creek and meet the enemy in front. Scott crossed the bridge over the creek with the greatest coolness, in the face of a heavy cannonade from the enemy, and formed his line of battle with the 9th and part of the 22d regiment under Maj. Leavenworth (who had served in the 11th,) covered by Towson's artillery, on his extreme right—the 11th regiment in the centre, under Maj. McNeil of N. H., Col. J. B. Campbell having been fatally wounded early in the day—and the 25th regiment under Maj. Jesup on the left. When Porter's men retreated, Jesup, joined by Porter, held the enemy's right wing in check, while Ripley was vainly

[1] *Lossing*, pp. 805, 806.—Lossing states that Gen. Scott explained to him the reason of the mistake of the Marquis, to wit: being unable to obtain army blue cloth for his men, he clothed them in what is now known as Cadet Gray. In honor of Scott and his troops, that cloth was adopted at the Military Academy at West Point.

endeavoring to get a position for the same service against the British left wing.

The battle raged with fury along the entire line of both armies. Several times the British line was broken, and then closed up again; and it often exposed as many flanks as it had regiments in the field. This unskillful manœuvering had been observed by Scott, who had advanced, halted, and fired alternately, until he was within eighty paces of the foe. Observing a gap in his lines which made a new flank, he ordered a quick movement in that direction by McNeil's Eleventh Regiment. He shouted with a voice that was heard above the din of battle, "the enemy say we are good at long shot, but cannot stand the cold iron; I call upon the Eleventh instantly to give the lie to that slander. Charge!"* This movement was immediately made, with the most decisive effect. A similar charge was made by Leavenworth, who held an oblique position on the American right. At the same time Towson's battery poured in an oblique fire of murderous canister-shot, after silencing the enemies' most effective battery by blowing up an ammunition wagon; and presently the whole left and centre of the British broke and fled in confusion.. *That effective flank movement by McNeil was the one, there can be no doubt, which gave the victory to the Americans.*"[1] "He deserved," said General Scott in his report, "every thing which conspicuous skill and gallantry can win from a grateful country."[2]

General Orders, July 6, 1814. — Extract.

Maj. General Brown has the gratification to say that the soldiers of the 2d division, west of the Niagara, merit greater applause than he is able to bestow in general orders—they merit the highest approbation of their country. The conduct of Brig. General Scott's brigade, which had the opportunity to engage the whole force of the enemy, the greater part it is believed of all in the peninsula, removed on the day of battle the reflection on our country, that its reputation in arms is yet to be established.[3]

Maj. Gen Brown's Report to the Secretary of War, *July* 7, 1814.— Extract.

Brig. Gen. Scott is entitled to the highest praises our country can bestow—to him more than to any other man am I indebted for the victory of the 5th of July. His brigade has covered itself with glory. Every officer and every man of the 9th and 22d, 11th and 25th regiments, *did his duty*, with a zeal and energy worthy of the American character. When every officer stands so pre-eminently high in the path of duty and honor, it is impossible to discriminate, but I cannot deprive myself of the pleasure of saying that Major Leavenworth commanded the 9th and 22d, and Major McNeil the 11th. Col. Campbell [of the 11th] was wounded early in the action, gallantly leading on his regiment.[4]

Gen. Scott stated, in his report, that in the crisis of the battle the fire of the 11th was most effective, from the oblique position which it judiciously occupied. Of the commanding officers in his brigade he wrote:

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* Mansfield's *Life of Scott*, p. 107. Quoted by Scott in his Autobiography, Vol. 1, p. 134.

[1] It is a remarkable coincidence that, by reason of like flank movements by the 13th and 16th Vt. regiments of Stannard's brigade at Gettysburgh, July 3 1863, and by Col. Gates of the 20th New York, Maj. Gen. Doubleday declared "that it is to Gen. Stannard and Col. Gates the country is mainly indebted for the repulse of the enemy's charge and the final victory of the 3d of July."—See pamphlet edition of *Reports of the Battle of Gettysburgh, July 1st, 2d and 3d*, 1863, *by A. Doubleday, Major General Vols., Montpelier*, 1865, p. 18.

[2] *Lossing's Pictorial Field-Book*, &c., pp. 806-810.

[3] *Vt. Republican* of July 18 1814.

[4] *Sketches of the War*, Rutland p. 346.

To mention them in order of their rank (I know of no other in this case) Majors Jesup, Leavenworth, and McNeil, and Capt. Towson, deserve, in my humble opinion, every thing which conspicuous skill and gallantry can win from a grateful country.[1]

Maj. Gen. Wilkinson, who was far from being partial to Scott, thus wrote of this battle :

This was an obstinate contest, fought on a plain and in direct order, the simplicity of which presents few occasions for the display of tactical skill; it was literally a trial of strength and courage, breast to breast, in which the American arms triumphed.

Wilkinson stated that the total American loss, killed, wounded, and missing, was 308—British loss 468. The losses in the 11th regiment are stated at 1 sergeant, and 14 rank and file killed ; 1 Colonel, 1 Subaltern, 6 Sergeants, and 52 rank and file wounded—73. This was the heaviest loss of any American regiment engaged in the battle.[2]

The officers of the 11th wounded were Col. Campbell, fatally, and Lieut. Barron severely.[3]

The losses of both armies, stated by Wilkinson, purported to be official, from *Niles' Register*, but they are less than the numbers given in other reports. The general order of the British Adjutant General, July 13 1814, stated the total British loss at 494.[4]

Night Battle at Lundy's Lane, July 25, 1814.[5]

On the morning of July 25, the American army was encamped on the field of its victory twenty days before, with the village of Chippewa in front. Maj. Gen. Brown received two reports, one that the enemy was in force at Queenston, and the other, that Brown's depot at Schlosser was their object. In this emergency, in the afternoon Scott was ordered to march down to Queenston, and find the enemy and beat him—that being deemed the best way to divert the enemy from Schlosser. In less than thirty minutes the splendid column—horse, artillery, and infantry — had passed the bridge at the village of Chippewa, and was in full march for Queenston, (nine miles below,) intending no halt short of that point. The force consisted of the 9th regiment under Lieut. Col. Leavenworth, the 22d regiment under Col. Brady, the 11th under Maj. McNeil, and a battalion of the 25th, under Maj. Jesup ; Towson's and Thomas Biddle's batteries, and a troop of U. S. dragoons and volunteers, under Capt. Harris. Warned that some of the enemy were near, but believing it to be an inconsiderable number, Scott went on without a

[1] *Sketches of the War*, Rutland, p. 349.

[2] *Memoirs by Gen. Wilkinson*, Vol. I, pp. 653, 657.

[3] *Sketches of the War*, p. 347, note.

[4] *Spooner's Vt. Journal* of Aug. 1 1814.

[5] This battle bears other names, as of the Cataract, Niagara, Bridgewater, and Queenston ; but in fact the scene was Lundy's Lane, in the immediate vicinity of the villages of Chippewa and Elgin on Niagara Falls. It is but a short walk from table-rock to the battle-field.

halt, and passing a thick skirt of woods that crossed the road nearly opposite to the Falls, the head of the column emerged into an opening on the left, in full view and in easy range of a line of battle drawn up in Lundy's Lane, more extensive than that defeated on the preceding 5th at Chippewa. Sending word to Gen. Brown of his critical position, Scott determined to hold the enemy until reinforcements could come up, and did so successfully.

The British line was posted on the slopes and brow of an eminence over which Lundy's Lane passed—the artillery with a park of seven splendid guns, one of them a 24 pounder,[1] in the centre, the wings being thrown forward of the artillery. In the bowl of this crescent Scott found himself with about twelve hundred men, within canister-shot distance of a British line of battle of at least eighteen hundred men, strongly posted, some of whom were victorious veterans fresh from the army of Wellington. Sending a second messenger to Maj. Gen. Brown, the battle began shortly before sunset. Scott detached Jesup to the right to turn the enemy's left, and deployed the rest to the left, when a tremendous fire of all arms responded to that of the enemy. Emboldened by seeing that no reinforcements to Scott had come up, the British attempted to turn Scott's left, when the 11th threw forward its right, under cover of a clump of trees, and drove the enemy beyond reach. Jesup on the right had brilliant success, breaking the enemy's left, capturing the British Generals, Riall and Drummond, (the latter, however, escaping in the darkness,) and charging back, he joined Scott. His artillery and Brady's and Leavenworth's regiments had suffered and inflicted great losses under a direct fire, unremitted until dusk. The 11th, partially covered, up to that time suffered less. It had suffered severely, however, and being out of ammunition retired necessarily from the battle. Maj. McNeil had been severely wounded and removed from the field; and all the captains had been either killed or wounded. So Capt. John Bliss reported to Col. Leavenworth, and, though wounded, gallantly tendered his services in the 9th, as also did Lieut. David Crawford of Putney, then adjutant of the 11th, Lieut. F. A. Sawyer of Burlington, and several other officers of the 11th, while others joined the 22d. At 9 o'clock Maj. Gen. Brown arrived with Ripley's brigade, when the key of the enemy was found to be the battery on the hill, and Col. Miller of the 21st regiment was ordered to capture it—a terrible task which was admirably performed. It was the most desperate task of the war. From that moment the enemy made desperate attempts to recover their position, and the battle went on. The remnants of the 9th, 11th, and 22d regiments were formed into one battalion, gathering round the

[1] Col. Leavenworth said nine guns, two 24 pounders.—See Leavenworth's testimony in *Memoirs by Gen. Wilkinson*, Vol. 1, Appendix IX.

tattered flag of the 11th,[1] at first under Col. Brady, and soon under Lieut. Col. Leavenworth, Brady having been wounded. Jesup's men were added, and Leavenworth testified that the effective men of Scott's brigade did not exceed 150 or 200 men, exclusive of officers. They performed their full share in the remaining work of the night, and Col. Leavenworth gave special praise to Lieut. Crawford of the 11th. Ripley's brigade, however, bore the brunt of the battle, and upon Ripley devolved the command, Generals Brown and Scott both having retired wounded. The absolute repulse being manifest, Ripley, under directions from Brown to retire to Chippewa, rest, and re-organize the shattered battalions, and return by day-dawn to secure the fruits of victory, obeyed the first part of the order, but neglected the rest. In consequence, the enemy re-occupied their position, and regained all their cannon, except one which Miller's regiment had borne off as a trophy.[2]

Lossing states the whole number of troops engaged at a little over 7000, the British having about 4500, and the Americans a little less than 2600; but it must be remembered that from the beginning of the battle until 9 o'clock at night, less than 1200 Americans held the British and badly cut them up. American loss, according to Lossing, 852; and British loss, 878. Maj. Gen. Brown's return of Americans killed, wounded, and missing in this battle was 853. The returns for the 11th regiment were as follows:

Killed—1 Captain, 2 Sergeants, 25 rank and file	28
Wounded—1 Major, 1 Captain, 5 Subalterns, 9 Sergeants, 1 Musician, 85 rank and file,	102
Missing—1 Subaltern, 2 rank and file,	3
Total	133

The 11th was one of the seven infantry skeleton regiments engaged, with whom were light dragoons, artillery, and three bodies of volunteers, whose losses were embraced in the return; yet the losses in the 11th were more than one seventh of the total loss: a fact that attests the work and worth of the 11th. The 25th infantry exceeded the killed in the 11th by 1, and the 22d by 9; while the wounded in the 11th exceeded that of any other regiment, exceeding the 22d by 13, and the

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[1] A circumstance occurred during this time, which, though highly gratifying, fills me with remorse to mention, and nothing but the honor of my corps would induce me to do so. The bearer of the battalion colours of the 11th being cut down, I presumed those colours had fallen to the ground, and it was the peculiar good fortune of Lieutenant Otis Fisher, of the 9th regiment, to find and raise them.—*Col. Leavenworth's letter, in Memoirs by Gen. Wilkinson*, Vol. 1, Appendix IX.

William W. Clark was the standard-bearer of the 11th regiment. He was wounded in the breast, and in September 1814 died of his wound.—See *Northern Sentinel* of Nov. 4 1814.

[2] *Autobiography of Lieut. Gen. Winfield Scott*, Vol. 7; *Lossing's Field-Book*, &c; and Col. Leavenworth's testimony in *Memoirs by Gen. Wilkinson*, Vol. 1.

25th by 36.[1] Of the officers of the 11th, Capt. Valentine R. Goodrich was killed; and of the wounded were the following:

Maj. John McNeil severely, canister shot in the knee; Capt. John Bliss badly, shot in the leg; 1st Lieut. William F. Haile slightly, shot in the thigh; 2d Lieut. Enoch Cooper slightly, contusion in the breast; 3d Lieut. Benj. Stevenson slightly, in the thigh; and 3d Lieut. Humphrey Webster severely shot in the head and taken prisoner; Ensign Elias Bedford [of Penn.] slightly, in the abdomen; Ensign Nathan Thompson of Vt. of the 26th regiment, serving in the 11th, severely.[2]

In Brigade Orders, July 28 1814, Gen. Ripley said "he was satisfied with the conduct of his staff, Lt. McDonald of the 19th, and Lieut. Clark [Isaac jr.] of the 11th.[3]

The following letter, from the *Northern Sentinel* of Aug. 19 1814, gives interesting details as to the Vermonters engaged in this famous battle. The letter was probably written by Lieut. F. A. Sawyer of Burlington:

Extract of a letter from an officer of the 11th Regt. to his friend in Burlington, dated Buffalo Aug. 2d 1814.

The late engagement was perhaps the most sanguinary one ever fought on this continent. We engaged the enemy the 25th July, at 6 P. M. near the falls of Niagara, and continued the fight until half past eleven at night, when by very inferior numbers the enemy was compelled to retire, leaving us in quiet possession of the field of battle.

The first brigade, [Scott's,] as usual, bore the brunt of the action. We maintained our ground for one hour and a half against the whole forces of the enemy, which were four times our number, before we were supported by a solitary individual of Gens. Ripley's and Porter's brigades—they however joined in time to prevent us from being wholly cut up, and contributed a little in giving the enemy a hearty drubbing.

On leaving camp, no one anticipated a general engagement. It was the impression that the brigade was ordered out to disperse four or five hundred, as it was supposed, of the enemy's militia and Indians, who were hanging on our rear for the purpose of annoying our piquets and kidnapping those who might be led by curiosity to visit the falls. As we advanced, a few of the enemy would form, and then retire; this manœuvre was continued until we had advanced within half musket shot of the enemy's lines, when the battle commenced. The enemy's position was a most excellent one—their line of infantry was posted behind a fence, which formed a semicircle and encompassed a field which our troops were compelled to accept of, if they made the attack; their flanks were protected by woods, filled with militia and Indians, and in their rear, at a desirable distance, was a height on which their artillery was planted; nature could not have formed a more advantageous position. Under these disadvantages our troops attacked them. The 9th and 25th were ordered to attack their flanks, while the 11th and 22d met their front. We endeavored to form a line in face and eyes of all their infantry and artillery, but they opened such a deadly and destructive fire upon us that we were compelled to retire a few paces and form in the skirts of a wood, and before we opened upon them more than two thirds of the two regiments were cut down.[4] However, we then main-

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[1] Maj. Gen. Brown's return in *Memoirs by Gen. Wilkinson*, Vol. 1.

[2] *History of the Late War*, pp. 156–161; and *Spooner's Vt. Journal* of Aug. 5 1814.

[3] *Northern Sentinel* of Aug. 19 1814.

[4] Lt. Col. McNeil, who commanded the 11th when it marched on to the field, testified under oath that when the 11th was in the act of wheeling, the 22d broke and ran athwart several platoons of the 11th, considerably breaking them to pieces; that he endeavored to rally these platoons but they gained the bushes. Lieut. Blake's platoon broke in spite

tained our ground until a reinforcement joined us, when we advanced and drove the enemy in every direction. Col. Miller with his regiment charged and took their artillery consisting of nine pieces, but they repossessed themselves [on the next morning, when our army had left the field,] of all but two brass six pounders. For an hour the two lines were within four rods of each other, firing with as much deliberation as if it had been a sham fight, and now and then for a change the point of the bayonet was used. Here for the first time I witnessed a charge. It did not prove as destructive as I had expected, but God knows it was destructive enough. Towards the close of the action, as there was hardly a company remaining of our regiment, and but one man in my platoon, I volunteered in the 9th, and was assigned to Capt. Hull's company. He was killed in the last charge we made upon the enemy.[1] Capt. Pentland and two or three subalterns were also wounded. The latter part of the action was the most severe. Generals Brown and Scott remained untouched, as well as the greater part of the field officers, until the action was near at an end. That part of the fight proved much more destructive to the enemy than to us, as our men did much better execution when in close contact with them. Our fire at length proved so destructive, that the enemy's bugle sounded the retreat for the last time, and our troops were left in undisturbed possession of the heights. After having taken off all our own and some of the enemy's wounded, we were ordered to camp. It is a circumstance much to be regretted that our troops did not keep possession of the field until the next morning, as it is believed it might have been effected without much hazard on our part, and then the enemy would not have had a shadow of claim to the victory — for never was an enemy more completely beaten than in this action, nor never was one gained by harder knocks. We may date all mishaps from the time our beloved general [Scott] was wounded. None could fight more gallantly than he did—he had three horses shot under him. Gen. Brown was brave even to imprudence. He and Gen. Scott were continually in front of the line, encouraging the men both by example and precept.

It would be impossible to give you an account of the killed and wounded on their side, if it was proper, neither can I guess at it, although I am a Yankee. Of our regiment is Capt. Goodrich killed, Capt. Bliss, Lts. Hale, Cooper, Webster and Stephenson, and Ensigns Thompson and Bradford wounded. But two captains of our regiment were in the action. Capt. Weeks with five or six other officers of the regiment were at Buffalo sick.[2] Our company suffered more severely than any other one: at the commencement of the action it was fifty strong, and next morning but thirteen could be mustered for duty. Gen. Drummond joined the enemy but an hour previous to the action with 1400 men. They had 800 or 1000 more in the field than we did.

Night Battle of Fort Erie, *Aug.* 15, 1814.

This was the third of the terrific battles on the Niagara frontier in which the 11th regiment was engaged. Gen. Ripley had succeeded to

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of his efforts to prevent it. The 11th was not engaged when this happened. Corporal Tobias Hubbard testified that Blake gathered about fifty men, and returned to the field. It has already been stated that the 11th, 22d and 9th were consolidated under Col. Brady, and, when Brady was wounded, under Col. Leavenworth, and continued in the battle until its close.

[1] Capt. Abraham F. Hull was son of General William Hull. The captain was highly esteemed by his brother officers, who erected a slab to his memory.—*Lossing's War of* 1812, pp. 827–8.

[2] The captains engaged were Valentine R. Goodrich killed, and John Bliss severely wounded. The above statement accounts for the report of Bliss to Col. Leavenworth, that every captain in the 11th was either killed or wounded. Bliss, notwithstanding his wound, continued to fight under Leavenworth.

the command of the remnant of the army, and, at the peremptory order of Maj. Gen. Brown, reluctantly posted it at Fort Erie, while the British army under Drummond remained near Lundy's Lane, receiving reinforcements. From the 27th of July until the 5th of August Ripley vigorously labored, night and day, to put the Fort in the best possible condition for defence, and on the 5th Gen. Gaines assumed the command, and Ripley with good feeling resumed the head of his brigade. From the 7th until the evening of the 13th Drummond vigorously besieged the Fort with his artillery, making little impression, however, and the Americans gallantly responding to him. Gaines was convinced that Drummond would make a direct assault that night with all the force he could bring to bear, and therefore was on the alert at every point. Every battery was in order and freshly charged; and the infantry were posted —the 9th, 11th, and 25th regiments (remnants of Scott's veteran brigade) on the right under Lieut. Col. Aspinwall, Ripley's brigade of the 21st and 23d on the left, and Gen. Porter's brigade of volunteer infantry and riflemen in the centre. At evening parade, a shell came screaming across the space between the armies, and lodging in a nearly empty magazine within the American lines, exploded it with a tremendous report. Supposing it to be one of Gaines's chief magazines, and hoping to profit by the expected confusion and loss, the British prepared at once for the onset. They relied upon scaling ladders to surmount the fort, and close contests with pikes and bayonets. But some hours were spent in preparation. At midnight silence prevailed in both camps, the British in their camp however were active in preparation, while the Americans except a picket-guard were quietly resting. At two o'clock the American picket-guard fired an alarm. Sound, not sight, gave warning of the advance of the enemy, and the guard fell steadily back to camp, and after them dashed the enemy, fifteen hundred strong, and charged furiously upon Towson's battery and the *abatis* on its left. Col. Miller's brave 21st regiment was behind the *abatis*, and on the right the 23d supported Towson. Towson's 24 pounders sent out a continuous stream of flame, and the 21st poured forth a fire, both illuminating the ground and revealing the position of the enemy, who five times came gallantly to the attack and were repulsed every time and abandoned the attempt. The British Lieut. Colonels Drummond and Scott, with five hundred infantry and artillery and a reserve of infantry, assailed Gaines's right. The enemy's left under Col. Scott was repulsed by the 9th regiment and volunteers; but Lieut. Col. Drummond of the British centre persisted, approaching every assailable point of Fort Erie at once, attempting to scale the walls. Twice he was repulsed with dreadful carnage, when, under cover of dense smoke, he scaled the parapet and gained a bastion with one hundred men of the Royal Artillery. He instantly ordered his men to charge upon the garrison with pikes, spears, and bayonets, and to "show no mercy." Most of the American officers and many of the men received deadly wounds. Among them was Lieut.

Macdonough, who was severely hurt, and asked for quarter. Drummond refused, when Macdonough seized a handspike and bravely defended himself until Drummond, repeatedly crying "Give the damned Yankees no quarter!" shot him down. Hardly had the murderer of Macdonough done his savage work, when he in turn was shot through the heart and bayoneted, falling by the side of his victim.

The battle now raged with increased fury on the right, where Scott's veterans, who had won laurels at Chippewa and Lundy's Lane, were engaged; but on the left the enemy had been put to flight, and from the left and centre the right was reinforced. The enemy still held the bastion, the artillerymen within failing to drive them out. Capt. Birdsall of the 4th rifle regiment with infantry led them through the gate-way and charged the enemy, but was wounded and repulsed. Then, wrote Gen. Gaines in his report:

A detachment from the 11th, 9th, and 22d infantry, under Capt. Foster, [William S. of New Hampshire,] of the 11th, were introduced over the interior bastion, for the purpose of charging the enemy. Major Hall, Assistant Inspector General, very handsomely tendered his services to lead the charge. The charge was gallantly made by Capt. Foster and Maj. Hall, but owing to the narrowness of the passage up to the bastion, admitting only two or three men abreast, it failed. It was often repeated, and as often checked. The enemy's force in the bastion was however much cut to pieces, and diminished by our artillery and small arms. At this moment every operation was arrested, by the explosion of some cartridges deposited in the end of the stone building, adjoining the contested bastion. The explosion was tremendous—it was decisive: the bastion was restored.[1] At this moment Capt. Biddle was ordered to cause a field piece to be posted so as to enfilade the exterior plain and salient glacis. The Captain, though not recovered from a severe contusion in the shoulder, received from one of the enemy's shells, promptly took his position, and served his field piece with vivacity and effect. Capt. Fanning's battery likewise played upon them at this time with great effect.[2] The enemy were in a few moments entirely defeated, taken or put to flight, leaving on the field 221 killed, 174 wounded, and 186 prisoners, including 14 officers killed, and 7 wounded and prisoners. A large portion are so severely wounded that they cannot survive; the slightly wounded, it is presumed are carried off. * * * The judicious preparations and steady conduct of Lt. Col. Aspinwall, commanding the first brigade, [in which was the 11th regiment,] merit approbation. * * * The detachment of Scott's gallant brigade consisting of parts of the 9th, 11th, and 22d infantry, did its duty in a

[1] That is, the British were blown out of it.

[2] From the fact that these orders were given simultaneously with the blowing up of the bastion, the inference is fair that the explosion was made with the knowledge and consent of Gen. Gaines; and pertinent to this suggestion are a statement of Lieut. Sawyer below, and two notes to the same effect in *Lossing's Field-Book*, p. 835, one of which is as follows:

The venerable Jabez Fisk, now [1867] living near Adrian, Michigan, who was in the fight, is not so reticent concerning the explosion. In a letter to me, dated May 20, 1863, he writes: "Three or four hundred of the enemy had got into the bastion. At this time an American officer came running up, and said: 'General Gaines, the bastion is full. I can blow them all to hell in a minute.' They both passed back through a stone building, and in a short time the bastion and the British were high in the air. General Gaines soon returned, swinging his hat, and shouting 'Hurra for Little York!' This was in allusion to the blowing up of the British magazine at Little York, where General Pike was killed."

manner worthy the high reputation the brigade had acquired at Chippewa and the falls of Niagara [Lundy's Lane.][1]

In a subsequent letter to the Secretary of War, Gen. Gaines stated that deserters from the enemy's camp put the British loss at more than one thousand men. The enemy admitted a loss of 805. The American loss was 17 killed, 56 wounded, and 14 missing.[2]

Of this battle the *Northern Sentinel* of Aug. 26 1814 gave the following account, from the same officer of the 11th who described the preceding battle at Lundy's Lane :

Again I have the satisfaction of informing you that our army has obtained another glorious victory over our *invincible* enemy—and at a very cheap rate too. Yesterday [Aug. 15,] at 2 o'clock in the morning, the enemy attacked our fort and batteries with the intention of carrying them by storm. They were repulsed with a loss of 600 killed and about 400 prisoners. The number wounded is not known, as all but a trifling number were carried off by the enemy; but if we were to judge by the number killed, it could not be less than 700 or 800. In this affair, therefore, we can account to Gen. Drummond for more than a thousand of his troops. Our loss does not exceed forty in all. Among the number is Lt. Macdonough of the artillery killed, who, after having gallantly fought and killed a number of the enemy with a handspike, as they were attempting to storm his battery, was unfortunately bayoneted. Three other officers were slightly wounded. It is said the enemy lost many of his best officers : [Lieut.] Cols. Drummond [killed] and Scott fell.[3] The latter is one of the most enterprising officers in the British army : he visited our camp in disguise last winter. Among the prisoners taken are 2 majors, 4 captains, and a great proportion of subalterns. The afternoon previous to the attack, Gen. Drummond sent in a flag demanding a surrender, threatening, in case of a refusal, to put the garrison to the sword. Gen. Gaines returned for answer, that if he obtained possession of the fort, neither himself nor his troops wished for quarter. This summons induced Gen. Gaines to believe that it was their intention to make an attack, and every possible preparation was made for their reception. A mine was sunk under one of our batteries, which when filled with about 250 of the enemy, the mine was fired, and the whole were blown into nonexistence. About 100 more shared a similar fate : they took shelter in a stone building, which had been partly demolished by the enemy's artillery, and was so wrecked by the explosion that the walls fell and crushed them to atoms just as they had entered it for safety. Their army had, for sixteen days previous to the action, laid within a mile and a half of our fort —they battering away at our mud works, and we at their heads—and I presume by this time they are convinced that our works are *much* the hardest. Their deserters say that our cannon killed and wounded 150 of them in one day. Our riflemen have had many skirmishes with them during the time, and have drove them in every instance with great loss on their part. In one of the skirmishes, however, the gallant Maj. Morgan was killed. Gen. Gaines in the late affair has covered himself with honor, and will undoubtedly be brevetted for his gallant conduct.

All of our wounded are doing well but Col. Campbell and Maj. McNeil. It is feared the Col. will not survive the week—and it is doubtful whether the Major survives longer.

Col. Campbell died, and Maj. McNeil recovered.[4]

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[1] *Lossing's Pictorial Field-Book of the War of* 1812, pp. 829–835 ; and Gen. Gaines's official Report to the Secretary of War.

[2] *Sketches of the War*, p. 375; and British official reports in the *Northern Sentinel.*

[3] Scott died of his wounds.

[4] The number of the *Sentinel*, from which the foregoing was taken contains an account of one of the most painful incidents of the war in Vermont. On the evening of the 16th of Aug. 1814, Lieut. Drury of the

Sortie from Fort Erie, Sept. 17 1814.

Immediately after the repulse of the British on the 15th of August, both parties prepared for another struggle, by reinforcements and strengthening their respective positions. Drummond posted new batteries, from which the Fort was almost daily bombarded until the close of August. On the 28th, Gen. Gaines was wounded by a shot which entered his quarters, when he was obliged to give up the command to Col. Miller. Sept. 2d Maj. Gen. Brown reached the Fort and placed Gen. Ripley in command, but, persuaded by the advice of his officers and the peril of the Fort, Brown shortly assumed the command himself. The British camp was two miles from the Fort, in a field surrounded by a forest, beyond the reach of shot or shell, and the army was divided into three brigades of from twelve to fifteen hundred men each, one of which brigades in turn daily worked with the artillery, batteries of which had been advanced to within four or five hundred yards of the Fort. Heavy rains for several days had flooded the country and the British army was weakened by sickness in camp. Against the advice of a council of his officers, Gen. Brown determined to improve his opportunity, and with great secrecy he planned and prepared for a sortie on the 17th of September, "to storm the batteries, destroy the cannon, and roughly handle the brigade upon duty before those in reserve could come up."[1] His force was divided into three corps, the first under Gen. Porter being directed to attack the British right flank; the second consisting of fragments of the 9th and 11th regiments under Lieut. Col. Aspinwall, and the 19th under Maj. Trimble, Col. Miller commanding the corps, to attack the British centre; and part of the 21st under Gen. Ripley to be the reserve. At a quarter before three Porter drove back the British right flank, stormed two of the batteries and a block-house and in thirty minutes carried them, capturing the garrison, destroying the cannon and carriages, and blowing up the magazine. Miller penetrated between the two remaining batteries, captured both of them, and also the block-houses in the rear. In forty minutes the object of the sortie was fully accomplished, and substantially the British army on the Niagara frontier was put *hors du combat.* Lieut. Gen. Drummond retreated to Chippewa, abandoning some of his stores, and destroying others. The British loss was nearly one thousand men, of whom 385 were made prisoners: American loss, 79 killed, 216 wounded, and 216

American navy with six or eight men entered the inn of Caleb Hill of Isle la Motte and called for rum, and while they were drinking, Judge Hill and one of his sons armed themselves, and, presuming their visitors to be the crew of a British guard-boat, levelled their pieces and demanded a surrender of their arms. Lieut. Drury parried Hill's gun, when three or four of the sailors fired and killed Hill. He was then an assistant judge of Grand Isle County.

[1] Brown to the Sec'y of War, Sept. 29 1814.

missing—total 511. Capt. Horace Hale of Vermont, of the 11th regiment, was killed ; and of the wounded in the 11th, was Lieut. Col. Aspinwall, arm amputated ; Lieut. David Crawford of Putney, of Vt. Brigade Major, slightly; 1st. Lieut. W. F. Haile of N. H., dangerously; 2d Lieut. Isaac Clark jr. of Vt., severely; 3d Lieut. Benjamin Stevenson severely; and 3d Lieut. Elijah B. Davis dangerously.[1] Col. Miller in his report to Maj. Gen. Brown made honorable mention of Lieut. Cols. Aspinwall and Bedel, and Lieut. David Crawford, of the 11th.[2] This closed the severe and highly honorable service of the 11th infantry on the Niagara frontier. On the 5th of November Fort Erie was blown up and the American army withdrawn from Canada.

LAND AND NAVAL BATTLES AT PLATTSBURGH.

Late in the Summer months of 1814, not less than fifteen thousand troops, most of them Wellington's veterans, fresh from victories over the French, arrived in Canada and were encamped between the St. Lawrence and Sorel rivers. Early in August Generals Macomb and Bissell, under the command of Gen. Izard, were at Champlain with eleven regiments, watching the enemy, a considerable body of whom, under the personal observation of Sir George Prevost,[3] had concentrated at Isle aux Noix. The British naval force on Lake Champlain had also been strongly reinforced. In this state of the two armies, our own far smaller than the British, Izard was detached by the Secretary of War and ordered to march four thousand men to the Niagara frontier. This was more than half of our army on the Champlain frontier, leaving Macomb with only 3,400 men, of whom over 1,400 were invalids.[4] Izard

[1] *Lossing's Pictorial Field-Book of the War of* 1812, pp. 836–840; and *Sketches of the War*, pp. 376–384.

[2] *Northern Sentinel* of Oct. 21 1814.

[3] Sir George Prevost was born in New York city May 19 1767, son of Maj. Gen. Augustine Prevost of the British army. He entered the army young, and served with distinction. In 1805 he was made Major General and created a baronet; and in 1811 was made Lieut. General and military commander of British North America. He went to England in 1815 to defend his reputation, and died Jan. 5 1816.—Drake's *Dict. of Am. Biography*, corrected.

[4] From the returns of the 28th of August it appears that on that day Macomb had the following troops within the limits of his command:

Detachment of the regiments and corps that marched, [left of Izard's men,]	77
Captain Leonard's company of light artillery,	100
Capt. McGlassin's company, 15th regt.	50
The 6th, 29th, 30th, 31st, [the 30th and 31st being Fassett's and Dana's Vermont regiments,] 33d and 34th regiments, reported from the aggregate present on the 31st July,	1,771

was indignant, and though he would not disobey orders, he on the 11th of August addressed to the Secretary of War the following emphatic language:

"I will make the movement [westward] you direct, if possible; but I shall do it with the apprehension of risking the force under my command, and with certainty that every thing in this vicinity but the lately erected works at Plattsburgh and Cumberland Head will, in less than three days after my departure, be in the possession of the enemy. He is in force superior to mine in front; he daily threatens an attack on my position at Champlain; we are all in hourly expectation of a serious conflict.[1]

On the 29th of Aug. Gen. Izard left Champlain and Chazy with his army for the west; on the 30th the British Gen. Brisbane occupied Champlain; and on the 3d of Sept. Prevost, assisted by Gen. De Rottenburg,[2] had his splendid army of veterans, 14,000 in number, at the same place, preparing to advance as soon as his flotilla could co-operate.

Prevost's plan was substantially a repetition of Burgoyne's in 1777, supplemented by a naval force supposed to be sufficient to command the lake; and like Burgoyne, he began his work with a proclamation, which follows:

From the *Northern Sentinel* of Sept. 23, 1814.

BY HIS EXCELLENCY LIEUTENANT GENERAL SIR GEORGE PREVOST,
Baronet, Captain General and Governor in Chief of His Majesty's North American Provinces and Commander of the forces,
A PROCLAMATION.

The Commander of His Brittanic Majesty's FORCES, which have entered the State of New York, makes known to its peaceable and unoffending inhabitants, that they have no cause for alarm from this invasion of the Country, for the safety of themselves and families, or for the security of their property. He explicitly assures them, that as long as they continue to demean themselves peaceably, they shall be protected in the quiet possession of their homes, and permitted freely to pursue their usual occupations.

It is against the GOVERNMENT of the United States, by whom this unjust and unprovoked war has been declared, and against those who support it, either openly

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Capt. Sproul's detachment of 13th regiment,	200
Sick and invalids of the regiments and corps that left, [Izard's,]	803
Aggregate,	3,001

There were two veteran companies of artillery under Captain Alexander Brooks, which were omitted in the return. Two hundred and fifty infantry were also on board the fleet doing duty as marines. This brought the whole force to about 3,400 men, of whom over 1,400 were invalids or non combatants.—Palmer's *Lake Champlain*, p. 212.

[1] Izard's *Official Correspondence*, p. 65. On the 20th of Aug. Izard repeated his warning, and on reaching Lake George with his army, he waited two days, hoping to receive orders to return.—Palmer's *Lake Champlain*, p. 212.

[2] BARON DE ROTTENBURG ran through the various positions in the British army from Major to Lieut. General, serving in many countries, and with distinction, as his promotions show. He commanded the British army in upper Canada in 1813, and the left division in 1814–15. He died at Portsmouth, England, April 24 1832.—Drake's *Dict. of Am. Biography.*

or *secretly*, that the arms of his Majesty are directed. The quiet and unoffending inhabitants, not found in arms, or otherwise not aiding in hostility, shall meet with kind usage and generous treatment; and all just complaints against any of his Majesty's subjects, offering violence to them, to their families, or to their possessions, shall be immediately redressed.

Those, therefore, who may have been induced to retire at the approach of his Majjesty's troops, from any mistaken apprehension respecting their object and their views, are hereby invited to return to their farms and habitations as the best means of securing them.

The magistrates and other civil authorities, who in the faithful discharge of their respective stations shall continue to exercise their ordinary jurisdiction, for the punishment and apprehension of crimes, and the support of good order, shall not fail to receive countenance and protection.

Given under my hand and seal, at Champlain town, the second day of September, 1814. GEORGE PREVOST.

By command of His Excellency, F. L. COONE, *Maj. & Aid de Camp.*

The command of the little American army at Plattsburgh fell to Gen. Alexander Macomb.[1]

This army was indeed ridiculously small and lamentably weak, compared with the British force which it was to confront. Against fourteen thousand British troops, Macomb had, at the close of August 1814, about three thousand five hundred, with only one organized battalion among them; and in his force were fourteen hundred invalids and non-combatants.[2] His first work was to call upon New York and Vermont for reinforcements, which were promptly given, and to bend all his energies to the strengthening of the three forts and blockhouse, lying on the right bank of the Saranac at Plattsburgh and commanding the territory to the shore of the lake. Of these forts, one [Fort Brown] was garrisoned by detachments of Vermonters from the 30th and 31st infantry, under Lieut. Col. Huckens Storrs. Macomb's work was for the most part necessarily defensive; but he also sent out parties under Lieut. Col. Appling, Maj. Wool and Capts. Sproul and Leonard of the regulars and Gen. Moores of the New York militia, to retard the advance of the enemy and annoy them as much as possible. This work was well done, but the overwhelming force of the British steadily pressed back the

[1] ALEXANDER MACOMB was born in Detroit, April 13 1782, entered the army in 1799, was Major in 1808, Lieut. Col. in 1810, Col. in 1812, Brig. Gen. in 1814, and Maj. Gen. and commander of the U. S. army in 1828. He was in battle at Sackett's Harbor, Fort Niagara, Fort George, and at Plattsburgh, and took the field for a time in the Florida war. He was author of a treatise on martial law and courts-martial. His death occurred at Washington city June 25 1841.—Drake's *Dict. of Am. Biography*. For portraits and autograph see *National Portrait Gallery*, Rice & Hart's edition of 1858, Vol. 1; and *Lossing's Pictorial Field-Book of the War of* 1812, p. 859.

[2] The withdrawal of Izard and his army from the Champlain valley at that time strongly countenances the assertion of the late Alvan Stewart that the purpose of our government was "not to *take* Canada, but to prevent its being taken."—See Lossing's *War of* 1812, p. 259.

small bodies of skirmishers until they were driven across the Saranac, taking up the bridges behind them.[1]

On the lake, Thomas Macdonough[2] had the command of the U. S. flotilla, and, like Macomb, he was thoroughly vigilant in preparing for

[1] In this brave work, a detachment of Vermonters of the 30th and 31st U. S. regulars served under Wool, as appears by the following, from the *Vermont Republican* of Sept. 12 1814 :

GENERAL ORDER.

H. Q. PLATTSBURGH, Sept. 7, 1814.

The affair of yesterday was honorable to the small detachments of regulars, under Maj. Wool of the 29th regt. consisting of 180 men of his regt. and 50 men of the 30th, 31st, and 34th regt. and the light corps under Brevet Lieut. Col. Appling of the rifle corps, and Capt. Sproul of the 13th regt. of Infantry, consisting of a like number which joined after the action had commenced. The militia for want of arrangement did not act with their usual address, notwithstanding the exertions of their General and Staff officers. Yet it is evident that they killed and wounded many of the enemy. In the afternoon, the militia met the British regulars in the woods near the Saranac river, and after disputing the passage of that stream for some time, the enemy retired with considerable loss. Here the militia did their duty, and it is by meeting the enemy in the woods, and flanking and annoying him on all occasions, that the most essential service can be rendered by them. The killed and wounded on our part is trifling. That of the enemy is reported to be from two to three hundred.

Capt. Sheldon has been directed by Gen. Macomb to call on all volunteers, and request that they report immediately to the scene of action.

[2] THOMAS MACDONOUGH was born in New Castle Co., Delaware, Dec. 23, 1783, son of Maj. Macdonough, who came from the north of Ireland previous to the revolutionary war, and served with distinction in it. The son entered the navy as midshipman in 1800, was lieutenant in 1807, commander in 1813, and captain Sept. 11 1814. He served in 1803-4 against Tripoli under Bainbridge and Decatur, was captured with the Philadelphia, but fortunately escaped imprisonment, and was one of the party which recaptured and destroyed that ship. While in the Mediterranean an incident occurred which testified to his heroism. While he was temporarily in command of the Siren, a boat put off from a British frigate and impressed from a trading vessel a seaman who was entitled to American protection. Instantly pursuing the British boat, he came up with it and recaptured the man under the very nose of the frigate. The captain of the British frigate immediately called him to account, threatening to "blow him to the devil." "That you may do ; but as long as my vessel swims, I shall keep the man," calmly replied Macdonough. The Englishman returned to his frigate, again went with a boat toward the American merchantman, when Macdonough instantly started in pursuit, and the Englishman, deeming discretion the better part of valor, gave up the game. Macdonough died at sea, Nov. 16 1825.—Drake's *Dict. of Am. Biography;* and Devens's *Our First Century*, pp. 251-2. For portraits and autograph see *National Portrait Gallery*, Rice & Hart's edition of 1858; and Lossing's *Pict. Hist. of the War of* 1812, p. 856.

the contest, and had his vessels anchored in line of battle in Plattsburgh bay in ample time.

From the 7th of Sept. until the morning of the 11th, Prevost was busily engaged in bringing up his battering trains and supplies, and erecting batteries. On the morning of the 11th Capt. Downie rounded Cumberland Head with the British flotilla, which was the signal for battle, both on the land and water. Of this double battle it is not deemed necessary to record here any accounts but those contained in the official reports, since other histories, better than can be given here, are to be found in modern books. Of these are *Lossing's Pictorial History of the War of* 1812, and *Dawson's Battles of the United States.* A single additional fact, as to the service of Vermonters on this occasion : After repeated attempts to cross the Saranac and storm Macomb's forts, the British once succeeded, and advanced until they met the Green Mountain Boys under Gen. Strong, when they were driven back with great loss.

The victories at Plattsburgh filled the whole country with astonishment and delight ; the newspapers teemed with glowing accounts of the battles ; and towns, cities, State Legislatures and Congress united in crowning the victors with the highest honors. But best of all undoubtedly was the powerful influence of this mortifying defeat of the British, in uniting the commissioners of the two countries, then at Ghent, in the treaty of peace, on the 24th of the succeeding December.[1]

On the 12th the Vermont volunteers returned home, and on the 13th the New York militia were disbanded by General Macomb, and orders issued countermanding the march of thousands who were flocking to the frontier. On the morning of the 13th the remains of the lamented GAMBLE, STANSBURY, BALDWIN, CARTER, and BARRON were placed in separate boats, which, manned by crews from their respective vessels, [followed by Commodore Macdonough and the American naval officers,] proceeded to the *Confiance*, where they were joined by the British officers, with the bodies of DOWNIE, ANDERSON, PAUL, GUNN, and JACKSON. At the shore of the lake the procession was joined by a large concourse of the military and citizens of Plattsburgh, who accompanied the bodies to the village burial ground. Near the centre of the grave yard, beneath the shade of two pines, now rest the ashes of those gallant officers. The sailors and marines who fell in the engagement were buried on Crab Island, side by side, in one common grave.[2]

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[1] While Henry Clay, one of the American Commissioners, was on a tour through the Netherlands, a British Commissioner forwarded to him at Brussels a London newspaper, containing the official account of the destruction of the public buildings at Washington city by the British, with an apology suitable to the occasion. Mr. Clay had just received a Paris journal bearing the news of the victories at Plattsburg, and he hastened to send it to his British friend with a like apology.—*N. Y. Mercantile Advertiser*, copied in the *Vermont Republican* of Dec. 19 1814.

[2] Palmer's *Lake Champlain*, p. 240. A correspondent of the *New England Palladium*, copied in the Supplement to Vol. VIII of *Niles's Register*, p. 173, wrote on the 8th of Oct. 1814, that

It is as true that Macdonough is religious, as that he is a brave man. He made a most appropriate prayer over the dead, previous to their interment. The follow-

Official Documents on the Battles of Plattsburgh.

From the *Vermont Assembly Journal* of 1814, pp. 86-92.

Executive Department, Montpelier, October 27, 1814.

Sir, — In compliance with the resolution of the honorable house of representatives, of the 25th instant, I herewith transmit to you, and through you to that honorable body, several letters and communications, marked No. 1 to 14, inclusive.

A copy of the answer to Gen. Macomb's first letter, dated the 1st of September last, I find, by examining my papers, has been mislaid. It was short, and in substance, as well as I can recollect, that attention should be paid to his communication, and such aid afforded as should be found necessary, and in my power constitutionally to grant.

An introductory letter to Gen. Macomb was given to Gen. Strong on his crossing the lake, stating his laudible exertions in inducing volunteers to turn out for the defence of their country, and recommending him as an old and experienced officer, in whose judgment and integrity the fullest confidence might be placed. Of this letter, it being made out in haste, I did not take a copy.

I am, Sir, respectfully, your humble servant, Martin Chittenden.

Hon. D. Chipman, *Speaker of the H. R.*

No. I.

Copy of a Letter from Brig. Gen. Macomb.

Plattsburgh, August 31, 1814.

Sir, — I am this moment informed, that the enemy is advancing in full force towards this place, and have already proceeded so far as to cross the Chazy at Champlain village. It is perhaps in your power to throw a detachment over the lake, so as to advance to our assistance on the road leading from Essex. Those men should be light armed. We shall be able to hold our ground until they come to our assistance in case they should be too powerful for us to meet the enemy beyond our defence. With sentiments of respect, I have the honor to be your most obedient servant,

Alexander Macomb.

Brig. Gen. commanding the U. States troops.

His Excellency Martin Chittenden, *Gov. of the State of Vermont.*

No. II.

Copy of another from the same.

Plattsburgh, 1 P. M. September 4, 1814.

Sir,—It is now ascertained, beyond a doubt, that the enemy will march for this place, with his whole force, this morning. Every preparation is made and making that our time will admit. The enemy must beseige us, as our works are now in a tolerable state of defence. This will give time for succours to get to our assistance, which may possibly end in a complete discomfiture of his designs, and oblige him to raise the seige. Much is at stake at this place, and aid is actually wanted, as the garrison is small, and the enemy in considerable force. Under these circumstances your excellency will, I am sure, not hesitate to afford us all the assistance in your power. I have the honor to be, sir, with proper respect, your most obedient servant,

Alexander Macomb.

To his excellency Martin Chittenden, *Gov. of the state of Vermont.*

No. III.

Copy of the Answer.

Jericho, September 4, 1814.

Sir,—I have the honor of acknowledging your note of this day, and shall take the most effectual measure to furnish such number of volunteers as may be induced to turn out to your assistance. They will probably cross at McNeil's ferry [Charlotte, Vt. to Essex N. Y.] I have the honor to be, with respect, your humble servant,

Martin Chittenden.[1]

Gen. A. Macomb.

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ing anecdote will interest you. At the moment the British were bearing down, an officer asked permission of the commodore to issue an extra ration of grog to the men. "No," was his reply — "my men shall go cool into action, excited by no stimulus except their native valor."

[1] Scrupulous as to his right to order the militia out of the State, to be commanded by a United States officer, Gov. Chittenden had called for

No. IV.

Copy of a Letter from Gov. Chittenden to Gen. Newell.

JERICHO, September 4, 1814.

SIR,—Enclosed I transmit to you the copy of a letter, this moment received from Gen. Macomb, which will shew you the situation of our army at Plattsburgh, and the necessity of such assistance as can be afforded. I would recommend it to you to take the most effectual method to procure such number of volunteers as may be had, for his immediate assistance, from your brigade. It would be advisable for the troops to cross the lake at McNeil's ferry. I am respectfully your humble servant,

M. CHITTENDEN.

Gen. John Newell.

No. V.

Copy of the Answer.

CHARLOTTE, September 5, 1814.

SIR,—I received, late last night, your excellency's letter of the 4th instant, with a copy of General Macomb's letter to yourself, of the same date, enclosed, in which you have referred me to Gen. Macomb's letter to learn the defenceless situation of Plattsburgh; the force and approach of the enemy, and his request for your assistance, with the militia of Vermont. You have, also, recommended to me, to procure such number of volunteers from my brigade, as may be disposed to repair to Plattsburgh, and have them cross at McNeil's ferry. If I rightly understand your letter, I can perceive no request, or order, from your excellency, directing me to have the militia under my command, or any portion of them, march to Plattsburgh, or any other place, for the assistance of Gen. Macomb, or for any other purposes. From your letter, therefore, I consider myself unauthorized to order out any portion of the militia under my command, or to do more than your excellency has recommended, namely, to offer my advice, which may be followed or not. As I consider myself, with the brigade I command, fully under your direction and controul, and as our assistance is requested, and seems very much needed at Plattsburgh, I regret that your excellency has not ordered either the whole or a portion of this brigade to their assistance, as I shall cheerfully obey any request, direction or order you may give, to repair to Plattsburgh, or any other place, to assist in opposing the enemy, protecting our territory and citizens, and in defending our country from invasion. I am, sir, with respect, your excellency's most obedient servant, JOHN NEWELL.

His Excellency Martin Chittenden.[1]

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volunteers. This call was at once responded to, not only in the western counties nearest the scene of battle, whose men arrived in time to take part, but also in central and eastern Vermont. Irrespective of party opinions or age, the people turned out *en masse*—fathers and sons, veterans of the revolution and lads too young for military service,—and all pressed on toward the lake. Had Prevost carried Plattsburgh and undertaken to winter at Ticonderoga, the Vermonters alone could have penned in his army and forced it by starvation to surrender. Doubtless the same reasonable apprehension of danger from the Green Mountain Boys, which Burgoyne expressed in 1777, induced Prevost to invade New York rather than Vermont.

[1] Gen. Newell probably did not sympathize with Gov. Chittenden's scruple about ordering the militia out of the state. It is pleasant to read that the men of Charlotte volunteered largely, and engaged the enemy at Plattsburgh: otherwise possibly some might doubt whether the General did not show the white feather. Of course Gen. Newell did his duty.—See *Vt. Hist. Magazine*, Vol. I, p. 737, title Charlotte.

No. VI.

Copy of a Reply to General Newell.

JERICHO, September 5, 1814.

SIR,—I have received yours of this date, and state, in answer, that I do not consider myself authorised, either by the constitution, or laws, under which we act and from which all our powers are derived, to order the militia out of the state. But considering the peculiar situation of the army at Plattsburgh, it was my desire that every aid, constitutionally in our power, should be afforded. And I am induced to believe, that a request, in such case, would have more effect, than an attempt to assume unauthorised power, on all such as are willing to turn out for the defence of our country. I am, respectfully, your humble servant, MARTIN CHITTENDEN.

Gen. John Newell.

No. VII.

Copy of a Letter from Colonel Fassett.

SIR,—I learn by Mr. Wadsworth, there is considerable quantity of fixed ammunition at Vergennes subject to your order. Can I have a part of it for volunteers? Please to inform me by my son. I am, sir, yours, ELIAS FASSETT.

His Excellency M. Chittenden, Jericho.

7th September, 1814.

No. VIII.

Copy of the Answer.

JERICHO, September 7, 1814.

SIR,—I have the honor of acknowledging your note of this date, on the subject of fixed ammunition for the volunteers. If there is any at Vergennes subject to my order, this letter may be considered as a sufficient order for such part of the same as may be wanted.

I would inform you, that agreeably to your suggestion, I enclosed, and sent by express, on Sunday evening, to general John Newell, a copy of general Macomb's letter, and strongly recommended it to him to use every exertion to procure such number of volunteers, from his brigade, as could immediately be induced to cross the lake to the assistance of the army at Plattsburgh. I am, respectfully, your humble servant, MARTIN CHITTENDEN.

Colonel Elias Fassett.

No. IX.

Copy of a Letter to General Macomb.

BURLINGTON, September 11, 1814.

SIR,—The bearer, Amos W. Barnum, Esq. my military aid, and Samuel Swift, Esq. secretary to the governor and council of this state, will go to Plattsburgh for the purpose, if practicable, of communicating with you, and of receiving any information you may please to communicate, that we may know how to govern ourselves in endeavoring to furnish assistance. They will communicate to me any necessary information you may give them for this purpose. I am, with high consideration, your humble servant, MARTIN CHITTENDEN.

General Macomb.

No. X.

Copy of a Letter from General Samuel Strong.

SEPTEMBER 10, 1814.

SIR,—I am sorry not to have it in my power to give you a correct statement of the British force approaching this place. From the best information I can obtain, which was from general Mooer, they are 8000 or 9000 strong, all regular troops, except a few. Their artillery has not been made use of against us as yet, although it is believed they have considerable. I have been up the river this morning, five or six miles, which was lined with the enemy on the north side. They have made several attempts to cross, but without success. This is the line to be defended. I have ascertained to a certainty, the number of militia from Vermont now on the ground, well armed, is 1812; from New York 700. Regular troops under General Macomb, he says, 2000. He treated me very friendly. I presume Doct. Pomeroy gave you the particulars of the first interview we had. We have strong expectations of 2000 detached militia, ordered out by general Mooer, arriving soon. He has written to governor Tompkins to send on the militia, and says he expects him in person. I

hope you and our friends will send four or five thousand to our assistance as soon as possible, if you should think best. If not, we shall, if our courage holds out, keep close to them. Do not, sir, let my wishes turn you from the correct principles you have heretofore pursued, as governor of Vermont. Permit me, sir, to subscribe myself, your friend and humble servant, SAMUEL STRONG.

His Excellency Martin Chittenden.

No. XI.

Copy of a Letter from the same.

September 11, 1814 — Sunday, 7 o'clock P. M.

DEAR SIR, — We are now encamped, with 2500 Vermont volunteers, on the south bank of the Saranac river, opposite the enemy's right wing, which is commanded by general Brisbane. We have had the satisfaction to see the British fleet strike to our brave commodore Macdonough. The fort was attacked at the same time, the enemy attempting to cross the river at every place fordable for four miles up the river. But they were foiled at every attempt, except at Pike's encampment, where we now are. The New York militia were posted at this place, under Gens. Mooer and Wright. They were forced to give back a few miles, until they were reinforced by their artillery. The Gen. informed me of his situation, and wished our assistance, which was readily afforded. We met the enemy, and drove him across the river, under cover of his artillery. Our loss is trifling. We took twenty or thirty prisoners. Their number of killed is not known. We have been skirmishing all day on the banks of the river. This is the only place he crossed, and he has paid dear for that. I presume the enemy's force exceeds the number I wrote you. What will be our fate to-morrow I know not; but am willing to risque the consequences attending it, being convinced of the bravery and skill of my officers and men. We are abundantly supplied with ammunition and provisions, from Gen. Macomb. I am, dear Sir, yours, with esteem, SAMUEL STRONG.

His Excellency Martin Chittenden.

If God permits, you shall hear from me again, soon.

No. XII.

Copy of a Letter from the same.

VERGENNES, September 16, 1814.

DEAR SIR, — I received your letter of the 14th inst. on my return to Burlington, where I had the satisfaction of expressing your thanks to the citizens who had turned out to repel our invading foe at Plattsburgh. At the same time, I was mortified to hear citizens of a government like ours, where all officers are limited in their official powers, urging the propriety of that power being exceeded in an unconstitutional and arbitrary manner. We, as citizens, have rights secured to us by the blood and wisdom of our forefathers. The constitution wisely secures to us certain rights and privileges, that ought not, and, I say, with thousands of others, shall not be infringed on. The late invasion will convince our enemies, and our citizens at home, that our freedom and liberties are not to be taken by force or intrigue.

I wrote you on the 11th. Nothing appeared to oppose us on the 12th, and we all left the ground in harmony, returning to our families, except a few who were killed or wounded. If God be with us, who can stand against us? I am, sir, your excellency's friend, and humble servant, SAMUEL STRONG.

His excellency Martin Chittenden.

No. XIII.

From the Secretary of War.

WAR DEPARTMENT, September 15, 1814.

SIR,—The force under Gen. Macomb being exposed to imminent danger, I have to request your excellency to order to his aid, immediately, such a reinforcement, not less than two thousand of the militia of your state, as may be adequate to the object. The emergency is such as to make it necessary that you call into service, *en masse*, the militia from the counties most convenient to the scene of action.

The extravagant and pernicious views of the enemy make it of the highest importance to the best interest and union of these States, that their career should be checked. It is in the power of your excellency, with the means in your hands, to afford such aid as effectually to check it. I rely on your patriotic zeal to make the

exertions necessary to the end. I have the honor to be, very respectfully, sir, your most obedient servant, JAMES MONROE.

His excellency Martin Chittenden.[1]

No. XIV.

Copy of a Letter from Ch. J. Nourse, Assist. Adjt. Gen.

BURLINGTON, Vermont, September 27, 1814.

SIR,—The despatch herewith would have been handed to your excellency at an earlier day, but that the late glorious success of our navy and army in this quarter rendered it unnecessary.

I am directed, by the secretary of war, to present the thanks of the general government, through you, to the brave and patriotic citizens of your state, for their prompt succor and gallant conduct in the late critical state of this frontier.

It is the wish of the government that two thousand of the militia of your state should be drafted and organized for immediate service, subject to the call, when necessary, of the commanding officer in this quarter. There are arms at Montpelier from which such as may be without can be furnished. I have the honor to be, sir, most respectfully, your obedient servant, CHS. J. NOURSE, *Assist. Adj. Gen.*

His excellency Martin Chittenden, *Gov. of Vermont.*[2]

Copy of a Letter to the Secretary of War.

BURLINGTON, September 28, 1814.

SIR,—I have the honor to acknowledge yours of the 15th inst. and have the great satisfaction to inform you that every object contemplated in your communication has been effected. Volunteers, to a much larger number than that mentioned in your request, turned out, and crossed the lake to meet the enemy, without distinction of age, character, or party, exhibiting a spirit and zeal for the defence of their country, which reflects the highest honor on themselves and the country they have signally aided in defending. The glorious event of our success against a far superior force, both by land and water, is of the highest importance to this portion of the Union, and cannot fail so to be considered in a national point of view. I have the honor to be, respectfully, your humble servant, MARTIN CHITTENDEN.

Hon. James Monroe, *Secretary of War.*

CAPTURE OF THE BRITISH FLEET ON LAKE CHAMPLAIN.

From *American State Papers, Naval Affairs*, Vol. I, p. 390.

Secretary of the Navy to Senate Naval Committee.

NAVY DEPARTMENT, October 3, 1814.

SIR: In compliance with your request I have now the honor to enclose copies of all the documents received from Captain MacDonough, in relation to the brilliant and extraordinary victory achieved by the United States' squadron under his command, over that of the enemy, in Plattsburgh Bay, on Lake Champlain. This action, like that of its prototype on Lake Erie, cannot be portrayed in language corresponding with the universal and just admiration inspired by the exalted prowess, consummate skill, and cool persevering intrepidity, which will ever distinguish this splendid and memorable event. This, like those brilliant naval victories which preceded it, has its peculiar features, which mark it with a distinct character.

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[1] This call for help, dated four days after the danger had been averted, is an illustration of the inefficiency of the War Department in its operations generally on the northern frontier.

[2] Eight days previous to the date of Gen. Nourse's letter, Gov. Chittenden had issued a proclamation directing the militia of the State to hold themselves in readiness and march without further order in case of an invasion.—See proclamation, *post.* At the succeeding session of the Legislature the governor submitted the request, contained in Nourse's letter, to the Council, when it was determined that detached militia must be commanded either by a state officer or the President in person, and not by an officer of the United States.—See *ante*, pp. 80, 85, 89, 92.

It was fought at anchor. The firm, compact, and well-formed line, the preparations for all the evolutions of which the situation was susceptible, and the adroitness and decisive effect with which they were performed in the heat of battle, mark no less the judgment which planned than the valor and skill displayed in the execution. All these are heightened by the contemplation of a vigorous and greatly superior foe moving down upon this line, in his own time, selecting his position, and choosing his distance, animated by the proximity of a powerful army, in co-operation, and stimulated by the settled confidence of victory. To view it in the abstract, it is not surpassed by any naval victory on record; to appreciate its results, it is, perhaps, one of the most important events in the history of our country. That it will be justly estimated, and the victors duly honored by the councils of the nation, the justice and liberality hitherto displayed, on similar occasions, is a sufficient pledge. I have the honor to be, very respectfully, sir, your obedient servant,

W. JONES.

The Hon. Charles Tait, *Chairman of the Naval Committee of the Senate.*

Captain Macdonough to the Secretary of the Navy.

UNITED STATES SHIP SARATOGA, off Plattsburg, September 11, 1814.

SIR,—The Almighty has been pleased to grant us a signal victory on Lake Champlain, in the capture of one frigate, one brig, and two sloops of war, of the enemy. I have the honor to be, very respectfully, sir, your obedient servant,

T. MACDONOUGH, *Commanding.*

Honorable W. Jones, *Secretary of the Navy.*

UNITED STATES SHIP SARATOGA,
at anchor off Plattsburgh, September 13, 1814.

SIR: By Lieutenant Commander Cassin I have the honor to convey to you the flags of his Brittanic Majesty's late squadron, captured, on the 11th instant, by the United States' squadron under my command. Also, my despatches relating to that occurrence, which would have been in your possession at an earlier period but for the difficulty in arranging the different statements. The squadron under my command now lies at Plattsburgh: it will bear a considerable diminution and leave a force sufficient to repel any attempt of the enemy in this quarter. I shall wait your order what to do with the whole or any part thereof; and, should it be consistent, I beg you will favor me with permission to leave the lake, and place me under the command of Commodore Decatur, at New York. My health, (being some time on the lake,) together with the almost certain inactivity of future naval operations here, are among the causes of this request for my removal. I have the honor to be, sir, with much respect, your most obedient servant,

T. MACDONOUGH.

Honorable W. Jones, *Secretary of the Navy, Washington.*

UNITED STATES' SHIP SARATOGA, Plattsburgh Bay, September 13, 1814.

SIR: I have the honor to give you the particulars of the action which took place on the 11th instant on this lake. For several days the enemy were on their way to Plattsburg by land and water, and it being understood that an attack would be made at the same time by their land and naval forces, I determined to wait at anchor the approach of the latter.

At 8 A. M. the lookout boat announced the approach of the enemy. At 9 he anchored in a line ahead, at about three hundred yards distance from my line; his ship opposed to the Saratoga, his brig to the Eagle, Captain Robert Henley, his galleys, thirteen in number,[1] to the schooner, sloop, and a division of our galleys; one of his sloops assisting their ship and brig, the other assisting their galleys; our remaining galleys with the Saratoga and Eagle. In this situation, the whole force, on both sides, became engaged, the Saratoga suffering much from the heavy fire of the Confiance. I could perceive, at the same time, however, that our fire was very destructive to her. The Ticonderoga, Lieutenant Commandant Cassin, gallantly sustained her full share of the action. At half past ten o'clock, the Eagle, not being able to bring her guns to bear, cut her cable, and anchored in a more eligible position, between my ship and the Ticonderoga, where she very much annoyed the enemy, but unfortunately leaving me exposed to a galling fire from the enemy's brig. Our guns on the starboard side being nearly all dismounted or not manageable, a

[1] The number of army galleys was twelve. A British vessel, filled with non-combatants, was the thirteenth which Macdonough counted.

stern anchor was let go, the bower cable cut, and the ship winded, with a fresh broadside on the enemy's ship, which soon after surrendered. Our broadside was then sprung to bear on the brig, which surrendered in about fifteen minutes after.[1]

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[1]This successful manœuvre of the Saratoga was the turning point of the battle, and inspired the following letter, from one who served on that vessel, to his father, who had been in the victory of 1777 on the field of Saratoga. It is copied from the *Northern Sentinel* of Dec. 30 1814.

TUESDAY, 13th Sept. 1814.

DEAR DAD—I oft have heard you tell
How many fought, how many fell,
And how the foe you drubbed well,
On the plains of Saratoga.

It's now my turn with pride to boast,
We conquered Britian's warlike host;
On Champlain's lake we rule the roast,
On board the Saratoga.

At nine A. M. on Sunday morn
The mighty foe approached in form,
And viewed us with contempt and scorn
On board the Saratoga.

How frequently I've heard you say,
That those who fight ought oft to pray:
Our Commodore did both that day
On board the Saratoga.

Then with the Christian's hope we fought,
Nor ought of fear or danger thought,
But death or victory we sought
On board the Saratoga.

The battle rag'd for near three hours,
When aided by the Almighty powers
We claim'd the enemy as ours
On board the Saratoga.

O had you seen the sore dismay
Of poor Sir George, who ran away,
And bitterly he curs'd the day
He saw the Saratoga.

Then brave Macomb hung on his rear.
For our firesides we've naught to fear
Whilst heroes to their country dear
Command our forts, our vessels steer;
Success will still crown their career,
And Sailor's Rights,* and Free Trade's cheer,
Shall be extended far and near,
Whilst Patriots yet unborn shall hear
The fame of the Saratoga.

And now let Saratoga's name
Be niched in thy temple's fame;
By land or water be it bless'd,
By all admired, by all confess'd,
And while for Gates the harp's unstrung,
Macdonough's glory shall be sung,
For he the British Lion stung
On board the Saratoga.

*Just as the American squadron was going into action, the Commodore displayed this signal: "*Impress'd seamen call on every man to do his duty!*" which excited in every bosom an enthusiastic ardor that *would not* be defeated. — *Niles's Register*, Vol. VIII, p. 116.

The sloop that was opposed to the Eagle had struck some time before, and drifted down the line; the sloop which was with their galleys having struck also; three of their galleys are said to be sunk, the others pulled off. Our galleys were about obeying, with alacrity, the signal to follow them, when all the vessels were reported to me to be in a sinking state; it then became necessary to annul the signal to the galleys, and order their men to the pumps. I could only look at the enemy's galleys going off in a shattered condition, for there was not a mast in either squadron that would stand to make sail on; the lower rigging, being nearly all shot away, hung down as though it had been just placed over the mast-heads.

The Saratoga had fifty-five round shot in her hull; the Confiance one hundred and five. The enemy's shot passed principally just over our heads, as there was not twenty whole hammocks in the nettings at the close of the action, which lasted, without intermission, two hours and twenty minutes.

The absence and sickness of Lieutenant Raymond Perry left me without the services of that excellent officer. Much fairly ought to be attributed to him for his great care and attention in disciplining the ship's crew, as her first lieutenant. His place was filled by a gallant young officer, Lieutenant Peter Gamble, who, I regret to inform you, was killed early in the action. Acting Lieutenant Vallette worked the first and second divisions of guns, with able effect. Sailing master Brum's attention to the springs, and in the execution of the order to wind the ship, and occasionally at the guns, meets with my entire approbation; also Captain Young's, commanding the acting marines, who took his men to the guns. Mr. Beale, purser, was of great service at the guns, and in carrying my orders throughout the ship, with Midshipman Montgomery. Master's Mate Joshua Justin had command of the third division; his conduct during the action was that of a brave and correct officer. Midshipmen Monteath, Graham, Williamson, Platt, Thwing, and acting midshipman Baldwin, all behaved well, and gave evidence of their making valuable officers.

The Saratoga was twice set on fire by hot shot from the enemy's ship.

I close, sir, this communication with feelings of gratitude for the able support I received from every officer and man attached to the squadron which I have the honor to command.

I have the honor to be, with great respect, sir, your most obedient servant,

T. MACDONOUGH.

Honorable William Jones, *Secretary of the Navy.*

P. S. Accompanying this is a list of killed and wounded, a list of prisoners, and a precise statement of both forces engaged. Also letters from Captain Henley and Lieutenant Commandant Cassin. T. M.

Purser's Report.

UNITED STATES' SHIP SARATOGA, September 13th, 1814.

SIR: I have the honor to enclose you a list of the killed and wounded on board the different vessels of the squadron under your command in the action of the 11th instant. It is impossible to ascertain correctly the loss of the enemy. From the best information received from the British officers, from my own observations, and from various lists found on board the Confiance, I calculate the number of men on board of that ship, at the commencement of the action, at two hundred and seventy, of whom one hundred and eighty at least were killed and wounded, and on board the other captured vessels at least eighty more, making in the whole, killed and wounded, two hundred and sixty. This is, doubtless, short of the real number, as many were thrown overboard from the Confiance during the engagement. The muster books must have been thrown overboard, or otherwise disposed of, as they are not to be found. I am, sir, respectfully, your obedient servant, GEORGE BEALE, Jr. *Purser.*

Thomas Macdonough, Esq. *commanding U. S. squadron on Lake Champlain.*

For names of the killed and wounded in the U. S. squadron see *American State Papers*, Naval Affairs, p. 311. The recapitulation is as follows:

	Killed.	*Wounded.*		*Killed.*	*Wounded.*
Saratoga,	28	29	Borer,	3	1
Eagle,	13	20	Centipede,	0	1
Ticonderoga,	5	6	Wilmer,	0	1
Preble,	2	0		—	—
				52	58

The prisoners captured from the British were 27 officers, 340 seamen, and 47 wounded men paroled. Total 414.

The force engaged was 86 guns and 820 men in the U. S. squadron, and 95 guns and 1050 men in the British. Measuring by the size of the guns in pound balls, the U. S. squadron carried 2140, and the British 1880. This shows a superiority in the British in the number of guns and men, and in the U. S. squadron in the calibre of the guns.—See *Am. State Papers*, Naval Affairs, pp. 312–'13; and *Sketches of the War*, p. 409.

UNITED STATES' BRIG EAGLE, Plattsburgh, September 12, 1814.

SIR: I am happy to inform you that all my officers and men acted bravely, and did their duty in the battle of yesterday with the enemy. I shall have the pleasure of making a more particular representation of the respective merits of my gallant officers to the Honorable the Secretary of the Navy. I have the honor to be, respectfully, sir, your most obedient servant, ROBERT HENLEY.

P. S. We have thirty-nine round shot in our hull, (mostly twenty-four pounders,) four in our lower masts, and were well peppered with grape. I enclose my boatswain's report.

U. S. SCHOONER TICONDEROGA, Plattsburgh Bay, September 12, 1814.

SIR: It is with pleasure I state that every officer and man, under my command, did their duty yesterday. Yours respectfully.

STEPHEN CASSIN, *Lieutenant Commandant.*

Commodore Thomas Macdonough.

U. S. SHIP SARATOGA, off Plattsburgh, September 15, 1814.

SIR: As Providence has given into my command the squadron on Lake Champlain, of which you were (after the fall of Captain Downie) the commanding officer, I beg you will, after the able conflict you have sustained, and evidence of determined valor you evinced, on board His Britannic Majesty's brig Linnet, until the necessity of her surrender, accept of your enclosed parole, not to serve against the United States, or their dependencies, until regularly exchanged. I am, &c. &c.

To Captain Pring, *Royal Navy.* THOMAS MACDONOUGH.

Captain Pring, in his report, attributed the defeat of the Confiance to the failure to wind the ship when the Saratoga did, and to the lack of locks for her guns. It is quite possible that the Captain, who was on the Linnet, was unaware that the Confiance was supplied with locks, but such was the fact. The Confiance bore 39 guns, and after she was captured 37 gun-locks were found on board of her.—See *Niles's Register*, Vol. VIII, p. 423, and Supplement to Vol. VIII, p. 152.

The prize money, distributed to the officers and men of the U. S. squadron for the capture of the British vessels on Lake Champlain, Sept. 11 1814, amounted to $290,438.19.—See *Am. State Papers*, Naval Affairs, pp. 572–589. Macdonough received $22,807, and in addition Vermont and New York gave him farms; so, as he said, from a poor officer he became a wealthy man.

GEN. MACOMB'S GENERAL ORDER AND REPORT ON THE BATTLE OF PLATTSBURGH.

General Order.[1]

H. Q. PLATTSBURG, Sept. 14, 1814.

The Governor General of the Canadas, and Commander in Chief of the British forces in North America, having invaded the territories of the United States, with the avowed purpose of conquering the country as far as Crown Point and Ticonde-

[1] *Spooner's Vermont Journal* of Sept. 26 1814.

roga, there to winter his forces with a view to further conquest, brought with him a powerful army and flotilla.[1] An army amounting to fourteen thousand men completely equipped and accompanied by a numerous train of artillery, and all the engines of war—men who had conquered in France, Spain, Portugal, the Indies, and in various other parts of the globe—and led by the most distinguished general of the British army;[2] a flotilla also, superior to ours in vessels, men, and guns, had determined at once to crush us both by land and water.

The Governor General, after boasting of what he *would* do, and endeavoring to dissuade the loyal Inhabitants of the United States from their allegiance by threats and promises, as set forth in his proclamation and orders, fixed his head-quarters at the village of Champlain, to organize his army and to settle the government of his intended conquests. On the second day of the month he marched from Champlain, and on the 5th [6th] appeared before the village of Plattsburgh with his whole army, and the 11th, the day fixed for the general attack, the flotilla arrived.

The enemy's flotilla at 8 in the morning passed Cumberland Head, and at 9 engaged our flotilla, at anchor in the bay of the town, fully confident of crushing in an instant the whole of our naval force; but the gallant Commodore Macdonough, in the short space of two hours, obliged the large vessels to strike their colors, whilst the galleys saved themselves by flight. This glorious achievement was in full view of the several forts, and the American forces had the satisfaction of witnessing the victory. The British army was also posted on the surrounding heights, so that it could not but behold the interesting struggle for dominion on the lake.

At the same time the fleets engaged, the enemy opened his batteries on our forts, throwing hundreds of shells, balls, and rockets, and attempted at the same time to cross the Saranac, at three different points, to assault the works. At the upper ford he was met by the militia and volunteers, and after repeated attempts, was driven back with considerable loss in killed, wounded, and prisoners. At the bridge, near the village, he was repulsed by the pickets and the brave riflemen under Captain Grosvenor and Lieutenants Hamilton and Riley, and at the bridge in the town he was foiled by the guards, block-houses, and the artillery of the forts, served by Capt. Alexander [S.] Brooks, Captains Richards and Smith, and Lts. Mountford, Smyth, and Cromwell. The enemy's fire was returned with effect from our batteries, and by sunset we had the satisfaction to silence seven batteries which he had erected, and to see his column returning to their camp, beyond the reach of our guns.

Thus beaten, by land and by water, the Governor General withdrew his artillery and raised the siege at 10 o'clock at night, sent off his heavy baggage, and under cover of the darkness, returned with his whole army towards Canada; leaving his wounded on the field, and a great quantity of bread, flour, and beef, which he had not time to destroy, besides a quantity of bomb-shells, flints, and ammunition of all kinds, which remain at the batteries, and concealed in ponds and rivers.[3] As soon as his retreat was discovered, the light troops, volunteers, and militia were in pursuit and followed as far as Chazy, capturing several dragoons and soldiers, besides

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[1] The British vessels bore, as ballast, cannon and other munitions of war, and winter clothing for the army. Had their squadron been victorious, both Crown Point and Ticonderoga might have been occupied and fortified; with a good prospect, however, of being starved out in the winter.

[2] Baron De Rottenburg.

[3] It is hardly correct to leave the inference that Governor General Prevost remained on the ground to superintend the retreat. The British squadron surrendered at a little after eleven o'clock, and at a little before noon Prevost started for Canada with a small escort; of course leaving Gen. De Rottenburg to manage the retreat.—See *Sketches of the War*, p. 407. Prevost's report was dated at Plattsburgh on the 11th, but it was never written until he had placed himself safe in Montreal.—See *Niles's Register* of March 4, 1815.

covering the escape of hundreds of deserters, who continue still to be coming in. A violent storm and continual fall of rain prevented the brave volunteers and militia from further pursuit.

Thus have the attempts of the invader been frustrated by a regular force of only 1500 men, a brave and active body of militia of the State of New York under Gen. Moore, and volunteers of the respectable and patriotic citizens of Vermont, led by General Strong and other gentlemen of distinction. The whole not exceeding 2500 men.[1]

The British force being either expelled or captured, the services of the volunteers and militia may be dispensed with. General Macomb cannot, however, permit the militia of New York and the volunteers of Vermont to depart without carrying with them the highest sense he entertains for their merit. The zeal with which they came forward in defence of the Country when the signal of danger was given by their Generals, reflects the highest lustre on their patriotism and spirit. Their conduct in the field has corresponded with the laudable motives which led them into it. They have deserved the esteem of their fellow citizens and the warm commendation of their commander. They have exemplified how speedily American citizens can be prepared to meet the enemies of their country. In testifying his sense of the merits of the troops, the general cannot but express his sorrow and regret for the loss of some brave and virtuous citizens, and for those who have been wounded; the loss will no doubt be keenly felt by their friends and countrymen, but, at the same time, will be borne with that fortitude and resignation which become good citizens and good christians.

The affection of the general will accompany his brave associates in arms wheresoever they may go, nor will anything give him more pleasure than opportunities of testifying to them individually, by actions as well as words, the high regard he cherishes for them.

The general, in the name of the United States, thanks the volunteers and militia for their distinguished services, and wishes them a happy return to their families and friends. ALEX. MACOMB.

Report to the Secretary of War.[2]

HEAD QUARTERS, Plattsburgh, Sept. 15, 1814.

SIR, — I have the honor to communicate, for the information of the War Department, the particulars of the advance of the enemy into the territory of the United States, the circumstances attending the siege of Plattsburgh, and the defence of the posts entrusted to my charge.

The Governor General of the Canadas, Sir George Prevost, having collected all the disposable force in Lower Canada, with a view of conquering the country as far as Crown Point and Ticonderoga, entered the territory of the United States on the first of the month, and occupied the village of Champlain; there avowed his intentions, and issued orders and proclamations tending to dissuade the people from their allegiance and inviting them to furnish his army with provisions. He immediately began to impress the wagons and teams in the vicinity, and loaded them with his heavy baggage and stores. From this I was persuaded he intended to attack this place. I had but just returned from the lines, where I had commanded a fine brigade, which was broken up to form the division under Major General Izard, ordered to the westward. Being senior officer, he left me in command. Except the four companies of the 6th regiment, I had not an organized battalion among those remaining. The garrison was composed of convalescents, and recruits of the new regiments — all in the greatest confusion, as well as the ordnance and stores, and the works in no state of defence.

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[1] This was about the number when the fight commenced on the 6th; but the Vermont volunteers poured in daily, reporting to Gen. Strong, and not to Gen. Macomb. On the 10th 1812 Vermonters were under Gen. Strong, and on the 11th 2500—then outnumbering probably the combined force of regulars and New York volunteers.—See letters of Gen. Strong to Gov. Chittenden, *ante* pp. 523, 524.

[2] *Sketches of the War*, pp. 400–404.

To create an emulation and zeal among the officers and men in completing the works, I divided them into detachments, and placed them near the several forts; declaring in orders, that each detachment was the garrison of its own work, and bound to defend it to the last extremity.

The enemy advanced cautiously and by short marches, and our soldiers worked day and night; so that by the time he made his appearance before the place, we were prepared to receive him.

General Izard named the principal work fort Moreau, and to remind the troops of the actions of their brave countrymen, I called the redoubt on the right fort Brown, and that on the left fort Scott. Besides these three works, we have two block-houses strongly fortified.

Finding, on examining the returns of the garrison, that our force did not exceed fifteen hundred effective men for duty, and well informed that the enemy had as many thousands, I called on General Mooers, of the New York militia, and arranged with him plans for bringing forth the militia *en masse*. The inhabitants of the village fled with their families and effects, except a few worthy citizens and some boys, who formed themselves into a party, received rifles, and were exceedingly useful. By the fourth of the month, Gen. Mooers collected about 700 militia, and advanced seven miles on the Beekmantown road to watch the motions of the enemy, and to skirmish with him as he advanced; also to obstruct the roads with fallen trees, and to break up the bridges.

On the lake road at Dead Creek bridge, I posted two hundred men under Captain Sproul of the 13th regiment, with orders to *abattis* the woods, to place obstructions in the road, and to fortify himself; to this party I added two field-pieces. In advance of this position, was Lieut. Col. Appling with one hundred and ten riflemen, watching the movements of the enemy, and procuring intelligence. It was ascertained that before daylight on the 6th, the enemy would advance in two columns on the two roads before mentioned, dividing at Sampson's, a little below Chazy village. The column of the Beekmantown road proceeded most rapidly; the militia skirmished with his advance parties, and, except a few brave men, fell back most precipitately in the greatest disorder, notwithstanding the British troops did not deign to fire on them, except by their flankers and advanced patrols. The night previous I ordered Major Wool to advance with a detachment of two hundred men to support the militia and set them an example of firmness. Also Capt. Leonard, of the light artillery, was directed to proceed with two pieces, to be on the ground before day, yet he did not make his appearance until 8 o'clock, when the enemy had approached within two miles of the village; with his conduct, therefore, I am not well pleased. Major Wool, with his party, disputed the road with great obstinacy, but the militia could not be prevailed on to stand, notwithstanding the exertions of their general and staff officers; although the fields were divided by strong stone walls, and they were told the enemy could not possibly cut them off. The state dragoons of New York wear red coats, and they being on the heights to watch the enemy, gave constant alarm to the militia, who mistook them for the enemy, and feared his getting in their rear.

Finding the enemy's columns had penetrated within a mile of Plattsburgh, I despatched my aid-de-camp, Lieut. Root, to bring off the detachment at Dead Creek, and to inform Lieut. Col. Appling that I wished him to fall on the enemy's right flank. The colonel fortunately arrived just in time to save his retreat and to fall in with the head of a column debouching from the woods. Here he poured in a destructive fire from his riflemen at rest, and continued to annoy the column until he formed a junction with Major Wool. The field pieces did considerable execution among the enemy's columns. So undaunted, however, was the enemy, that he never deployed in his whole march, always pressing on in column. Finding that every road was full of troops crowding on us on all sides, I ordered the field-pieces to retire across the bridge and form a battery for its protection, and to cover the retreat of the infantry, which was accordingly done, and the parties of Appling and Wool, as well as that of Sproul, retired alternately, keeping up a brisk fire until they got under cover of the works. The enemy's light troops occupied the houses near the bridge, and kept up a constant firing from the windows and balconies, and annoyed us much. I ordered them to be driven out with hot shot, which soon put the houses in flames, and obliged these sharp shooters to retire. The whole day, until it was too late to see, the enemy's light troops endeavoured to drive our guards from the bridge; but they suffered dearly for their perseverance. An

attempt was also made to cross the upper bridge, where the militia handsomely drove them back.

The column which marched by the lake road was much impeded by the obstructions, and the removal of the bridge at Dead Creek, and, as it passed the creek and beach, the galleys kept up a lively and galling fire.

Our troops being now on the south side of the Saranac, I directed the planks to be taken off the bridges, and piled up in the form of breastworks, to cover our parties intended for disputing the passage, which afterwards enabled us to hold the bridges against very superior numbers.

From the 7th to the 11th, the enemy was employed in getting on his battering train, and erecting his batteries and approaches, and constantly skirmishing at the bridges and fords. By this time the militia of New York, and the volunteers of Vermont, were pouring in from all quarters. I advised General Mooers to keep his force along the Saranac to prevent the enemy's crossing the river, and to send a strong body in his rear to harass him day and night, and keep him in continual alarm.

The militia behaved with great spirit after the first day, and the volunteers of Vermont were exceedingly serviceable. Our regular troops, notwithstanding the skirmishing and repeated endeavours of the enemy to cross the river, kept at their work day and night, strengthening the defences, and evinced a determination to hold out to the last extremity.[1]

It was reported that the enemy only waited the arrival of his flotilla to make a general attack. About eight in the morning of the 11th, as was expected, the flotilla appeared inside round Cumberland Head, and at nine bore down and engaged our flotilla at anchor in the bay off the town. At the same instant the batteries were opened on us, and continued throwing bomb-shells, shrapnells, balls, and congreve rockets until sunset, when the bombardment ceased ; every battery of the enemy being silenced by the superiority of our fire. The naval engagement lasted but two hours, in full view of both armies. Three efforts were made by the enemy to pass the river at the commencement of the cannonade and bombardment, with a view of assaulting the works, and had prepared for that purpose an immense number of scaling ladders. One attempt to cross was made at the village bridge, and another at the upper bridge, and a third at a ford about three miles from the works. At the two first he was repulsed by the regulars—at the ford by the brave volunteers and militia, where he suffered severely in killed, wounded, and prisoners ; a considerable body having crossed the stream, but were either killed, taken, or driven back. The woods at this place were very favourable for the operations of the militia. A whole company of the 76th [British] regiment was here destroyed—the three lieutenants and twenty-seven men prisoners, the captain and the rest killed.

I cannot forego the pleasure of here stating the gallant conduct of Captain M'Glassin, of the 15th regiment, who was ordered to ford the river, and attack a party constructing a battery on the right of the enemy's line, within five hundred yards of Fort Brown, which he handsomely executed at midnight, with fifty men; drove off the working party, consisting of one hundred and fifty, and defeated a covering party of the same number—killing one officer and six men in the charge, and wounding many.

At dusk the enemy withdrew his artillery from the batteries, and raised the siege, —and at 9, under cover of the night, sent off in a great hurry all the baggage he could find transport for, and all his artillery. At 2 the next morning the army precipitately retreated, leaving the sick and wounded to our generosity ; and the governor [Prevost] left a note with a surgeon, requesting the humane attention of the commanding general.

Vast quantities of provisions were left behind and destroyed, also an innumerable quantity of bomb-shells, cannon balls, grape shot, ammunition, flints, &c. &c., intrenching tools of all sorts, also tents and marquees. A great deal has been found concealed in the ponds and creeks, and buried in the ground, and a vast quantity carried off by the inhabitants. Such was the precipitancy of his retreat, that he arrived at Chazy, a distance of eight miles, before we discovered he had gone. The

[1] Shortly after the battle, a statement was published that the forts had been mined and charged, with an intent to blow them up had the British gained possession.

light troops, volunteers, and militia pursued immediately on learning of his flight; and some of the mounted men made prisoners five dragoons of the 19th regt. and several others of the rear guard.[1] A continual fall of rain and a violent storm prevented further pursuit. Upwards of three hundred deserters have come in, and many are hourly arriving.

We have buried the British officers of the army and navy with the honors of war, and shown every attention and kindness to those who have fallen into our hands.

The conduct of the officers, non-commissioned officers, and soldiers of my command, during this trying occasion, cannot be represented in too high terms, and I feel it my duty to recommend to the particular notice of government, Lieut. Col. Appling of the 1st rifle corps; Maj. Wool of the 29th; Maj. Totten of the corps of engineers; Capt. Brooks of the artillery; Capt. McGlassin of the 15th; Lieuts. De Russy and Trescott of the corps of engineers; Lieuts. Smyth, Mountford, and Cromwell, of the artillery; also my aid-de-camp, Lieut. Root, who have all distinguished themselves by their uncommon zeal and activity, and have been greatly instrumental in producing the happy and glorious result of the seige.

I have the honor to be, with sentiments of profound respect, sir, your most obedient humble servant, ALEXANDER MACOMB.

The American loss, from the 6th to and including the 11th of September, was 37 killed, 62 wounded, and 20 missing: the British loss, including deserters, about 2500.[1]

PREPARATIONS FOR A CAMPAIGN IN 1815.

Although the proposed campaign of Gov. Prevost had most signally failed, it was nevertheless evident that the large British army was hovering on the frontier, which might be used for an invasion by land. Accordingly the militia and people of Vermont were warned by Gov. Chittenden to be in constant readiness for defence.

By the Governor of the State of Vermont,
A PROCLAMATION.

Whereas it appears that the war, in which our country is unfortunately engaged, has assumed an entirely different character since its first commencement, and has become almost exclusively defensive, and is prosecuted by the enemy with a spirit unexampled during pending negociations for peace, which leaves no prospect of safety but in a manly and united determination to meet invasion at every point, and to expel the invader:

And whereas, notwithstanding the signal and glorious naval victory lately achieved by our gallant Commodore Macdonough and his brave seamen, over a superior British naval force on Lake Champlain, and a like discomfiture of the enemy's whole land force, concentrated at Plattsburgh, by General Macomb's small but valiant band of regular troops, aided and powerfully supported by our patriotic, virtuous, and brave volunteers, who flew to meet the invader with an alertness and spirit

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[1] Among the many acts of valour performed by the Vermont volunteers, we notice the following brave exploit: The inhabitants of Orwell, to the amount of two hundred and forty, had marched, on the first report of approaching danger, to Plattsburgh, and tendered their services to the commanding general. Among this number was a small but brave corps of cavalry of about twenty men, raised principally through the exertions of Captain A. Scovell of Orwell, and Captain [probably Barnard] Ketchum of Sudbury, in which many distinguished citizens were enrolled. The corps selected for their commander Captain Scovell; and on their arrival at Plattsburgh, finding the enemy had decamped, they did not wait for general orders, or to be joined by other forces, but pursued the enemy, surprised his rear guard at Chazy, captured seven dragoons with their horses and equipments, took the contents of two baggage wagons, and returned with the loss of only one horse killed. —*Sketches of the War*, p. 407.

[2] *Sketches of the War*, p. 404.

unexampled in this or any other country—it is made known to me, that the British army is still on the frontier of our sister State, collecting and concentrating a powerful force indicating further operations of aggression :

And whereas the conflict has become a common, and not a party concern, the time has now arrived when all degrading party distinctions and animosities, however we may have differed respecting the policy of declaring, or mode of prosecuting the war, ought to be laid aside ; that every heart may be stimulated, and every arm nerved, for the protection of our common country, our liberty, our altars, and our firesides — in the defence of which we may, with a humble confidence, look to Heaven for assistance and protection :

Now, therefore, I, MARTIN CHITTENDEN, Governor and Commander-in-Chief, in and over the State of Vermont, do issue this Proclamation, earnestly exhorting all the good people of this State, by that love of country, which so signally distinguished our fathers in their glorious and successful struggle for our independence, to unite, both heart and hand, in defence of our common interest, and every thing dear to freemen.

I enjoin it upon all officers of Divisions, Brigades, Regiments, and Companies of the Militia of this State to exert themselves in the execution of their respective duties, in placing those under their command in a complete state of readiness, and, without further order, to march, at a moment's warning, to meet any invasion which may be attempted, and to chastise and expel the invader.

And I would earnestly recommend to those, who, by the lenity of our laws, are exempt from ordinary military duty, where they have not already done it, to organize themselves into Companies, and equip, and stand in readiness to meet the approaching crisis, reminding them that it is their property, themselves and their families, that are, in common with others, to be protected.

And more especially I would recommend it to the Selectmen and Civil Authorities of the respective towns, to be vigilant in the execution of the duties enjoined on them in providing ammunition, and in affording such assistance to the militia as their situations may require.

After witnessing the severe and degrading terms imposed on many of our unfortunate fellow-citizens on the seaboard, no man, who is mindful of what he owes to his country and to his own character, can advocate submission while resistance is practicable.

The fate of Alexandria forcibly appeals to the proud feelings of every American, to exert the augmented force and resources with which it has pleased a beneficent Providence to bless us, for the defence and security of that soil and those rights rendered inestimable by having been purchased by the blood of our fathers.

Given under my hand at Jericho, this 19th day of September, in the year of our Lord one thousand eight hundred and fourteen, and of the Independence of the United States the thirty-ninth. MARTIN CHITTENDEN.

By his Excellency's command, SAMUEL SWIFT, *Secretary.*

Early in the winter of 1814–15, large preparations were made in Canada for a winter campaign, in sleighs, with a view, it was supposed, of reaching and destroying the American squadron of war-vessels, then at Whitehall. By a general order, all the subjects of the United States were ordered to leave Canada forthwith, and communication by way of L'Acadie woods and Missisquoi Bay was cut off. The British army on the border was at that time represented to be sixteen thousand men, with an immense train of heavy artillery mounted on sleighs.[1] Maj Gen. Strong met this exigency by the following

GENERAL ORDERS.

H. Q. VERGENNES, (Vermont,) January 9, [1815.]

The movements of the enemy in Canada indicating a probable invasion of our territory, renders it highly important that the militia be prepared for a short winter's

[1] *Spooner's Vermont Journal* of Dec. 26 1814 ; and *Northern Sentinel* of Jan. 6 1815.

campaign. Every one must be aware, that to ourselves alone we are to look for security and defence; the regular force on our frontiers being notoriously inadequate to withstand any serious effort of the enemy. Preparation, therefore, becomes indispensable; and it is hereby rigidly enjoined upon all officers and soldiers of this division, to use their utmost exertions, that we may be enabled to meet the enemy should they enter our territory, in a manner that shall not sully the high reputation of the Vermont volunteers.

The commanders of companies will see that the men under their charge be supplied with the quantity of ammunition required by law made into cartridges. And as the muskets in the hands of the militia are generally of an uniform calibre, it is recommended that a portion or the whole of the ammunition of the several towns, be made into cartridges, if the permission of the selectmen can be obtained, and placed in suitable depots for sudden emergencies. It is ascertained that most of the towns are supplied with the requisite quantity of ammunition; those which are not will undoubtedly see the necessity of being immediately. The exposed situation of this section of the country is a strong appeal to the patriotism of those of our citizens who are exempt from military duty, to join with the militia in the common defence; for which purpose it is recommended that those who are thus disposed form themselves into volunteer corps, to act as occasion may require. Much is expected from the most valuable and efficient portion of our physical strength, the riflemen, who undoubtedly will be at all times in readiness for the field. The utmost vigilance is requested at the present time. It is not to be expected that, if the enemy invade us again, they will by proclamations and slow marches forewarn us of their approach. Sad experience must have taught them wisdom. Let it not be said that they caught us slumbering.

The Major General is happy to have it in his power to communicate to those patriotic citizens of Vermont, who assisted in the defeat of our enemy in the late invasion, the very flattering compliment of the legislature of the State of New York. By a resolution of that body, which has been enclosed him by Governor Tompkins, with a request that it might be promulgated, the thanks of the legislature are unanimously voted them for their good conduct on that occasion.

By order of Major General STRONG,

ROBERT B. BATES, *Aid.*[1]

Gen. Orms promptly issued orders to the commanders of the respective regiments in his brigade, to put the troops under their command under marching orders, and hold them in readiness to march at the shortest possible notice.[2] Doubtless other brigades were in like manner held in readiness for the field. The following shows that numerous companies of volunteers were formed:

To the volunteer Companies of the third division of the Militia of the State of Vermont.

FELLOW CITIZENS. Having received numerous communications, notifying me of the formation of volunteer Companies in pursuance of my request of the 9th of January, accompanied with assurances of your readiness to put yourselves under my command and march at a moment's warning, in the defence of our country in case of invasion, I feel myself in duty bound to notice this ready display of your patriotic zeal. Although the war has ceased, and with it all our fears for the public safety, yet the merit of equipping without distinction of age or privilege of exemption from military service, to meet an expected foe, is not the less deserving our warmest approbation.

You will, my Fellow Citizens, be pleased to accept my grateful thanks for the respect you have paid me in organizing, equipping, and offering your services under my command. The evidence you have given of your readiness to place yourselves between our enemies and the safety of our country affords me perfect assurance that, had our services been demanded, I should have found you foremost in the field of danger. Nor have your expectations been in vain—your patriotic example is of public utility, and an honor to the several towns to which you belong.

[1] Supplement to *Niles's Register*, Vol. VIII, p. 188.

[2] *Vermont Republican* of Jan. 16 1815.

The timely diligence of the selectmen of the several towns, in fixing the town ammunition &c. has contributed to the evidence of our united zeal in the common cause, and merits the public approbation.

With mutual congratulations on the return of peace, from her nearly three years' exile, we will rejoice together in the enjoyment of her blessings, and thank heaven that liberty, the boon of our fathers, is yet ours, and we trust we shall be able to bequeath it to our posterity as the richest of parental blessings.

This is an auspicious era. Peace has become Empress of Christendom, and extends to the world the branch of conciliation—and may the nations so demean themselves as not to dethrone her and forfeit the blessings of her reign.

Vergennes, March 10, 1815.[1] SAML. STRONG.

HONOR BY NEW YORK TO MAJ. GEN. STRONG.

VERGENNES, June 26, 1817.

Yesterday the sword voted by the Legislature of the State of New York to be presented to Gen. SAMUEL STRONG, in consideration of the services rendered by him at Plattsburgh in 1814, was delivered to him by the Hon. Ralph Hascall, Col. Melancthon Smith, Major Reuben Sanford, and Major David B. McNeil, appointed by the Lieutenant Governor of that State, acting as Governor, to perform that service.

The day was fine and the several exercises were conducted in a manner peculiarly gratifying, under the direction of David Edmond, Amos W. Barnum, Enoch D. Woodbridge, Luther E. Hall, and Francis Bradbury, Esquires, the committee of arrangements on the occasion; and Major Lawrence and Captain Huntington, Marshals of the day.

In the morning, the delegation from the State of New York were met at Mr. Johnson's inn, in Ferrisburgh, by Messrs. Woodbridge and Bradbury, and Capt. Geer's troop of cavalry, and escorted to this place. It is but justice to remark here, that the conduct of the troops on this occasion, and through the exercises of the day, was such as to do honor to themselves and their commander.

At one o'clock Gen. Strong was escorted from his house to Mr. Painter's inn, when, after a short interview with the gentlemen from the State of New York, he proceeded through a numerous procession of the volunteers who accompanied him to Plattsburgh, and other respectable citizens, to the platform in front of the Court House.

The Delegation from New York were then escorted by Capt Geer's troop, dismounted, to the top of the platform, where the following address was delivered to Gen. Strong, by Col. Melancthon Smith, in behalf of himself and his associates:

"Sir — The Legislature of the State of New York have directed the Governor to cause to be presented to you a sword, as a testimony of the high sense they entertain of your valor and public spirit, and for the services rendered by you, during the invasion of Plattsburgh by the British troops in September, 1814. The Lieutenant Governor acting as Governor has honored us with this commission.

"In adverting to the events of that period, when a numerous, disciplined and well appointed army, under officers of experience and well versed in the art of war, flushed with recent and astonishing victories; conquerors of the conquerer of Europe, boastful of their prowess, and confident of success—when such a force retires before our newly raised, undisciplined troops, not one fourth their numbers, we have cause of gratitude to the God of Armies, who so manifested His strength in our weakness. We are not unmindful that, uninfluenced by local considerations, with no motive but the love of country—no prospect of fame except at the sacrifice of your life—no interest but a sense of duty—and, notwithstanding every discouragement, you, Sir, *volunteered* in defence of a sister State. The act will be remembered by that people with gratitude.

"Accept, Sir, this sword. It is the gift of a free people to a free man. It bears on its hilt the device of a Herculean Mountaineer, crushing in his arms the British Lion. It will be as a memento for your sons to imitate your example, and excite them to deeds of glory. It is given not as a reward but a pledge, which the State of New York will redeem when occasion shall present itself.

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[1] *Northern Sentinel* of March 24 1815.

"We are directed to communicate to you the consideration of his Excellency the Lieut. Governor, and of the representatives of the people. We offer you our personal regard and respect."

To which Gen. Strong made the following reply:

"To be honored, gentlemen, for any services I may have rendered, with the approbation of a State acknowledged to be the first in wealth, in commerce and population, and in no respect inferior to any State in the Union, affords a satisfaction which I cannot undertake to express.

"It is well known that the precipitate retreat of the British troops from Plattsburgh, to their own territory, prevented the citizens and militia of the States of New York and Vermont from coming to a close and severe conflict with the enemy. Had it been otherwise, I am persuaded that the volunteers from Vermont, who knew no discouragement in flying to the relief of your State, when suddenly invaded, would have faithfully performed the duty which one member of the Union always owes to another.

"I accept the sword, gentlemen, and request you to communicate to the Lieutenant Governor and Legislature of the State of New York the high sense I entertain of the honour they have conferred; and you will permit me to say, that the manner in which you, gentlemen, have executed your commission has added much to my gratification. You will please to accept the assurance of my respect and esteem."

The sword presented was of exquisite workmanship; its hilt and scabbard of gold. On the scabbard was the following inscription:

"*Presented by His Excellency Daniel D. Tompkins, Governor of the State of New York, pursuant to a Resolution of the Senate and Assembly of the said State, to Major General* SAMUEL STRONG, *of the Vermont Volunteers, as a memorial of the sense entertained by the State of his services, and those of his brave mountaineers, at the battle of Plattsburgh.*"

After the presentation of the sword, the General and the delegation from New York, with the citizens, proceeded to Painter's inn, where they partook of a dinner provided for the occasion.[1]

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[1] *Northern Sentinel* of July 18, 1817.

APPENDIX F.

VERMONT ON SLAVERY AND THE MISSOURI QUESTION —1819 AND 1820.

In February. 1819, Congress considered a proposition to authorize the people of the then territory of Missouri to adopt a constitution, with a view to the early admission into the Union of Missouri as a State. The slavery question arose and was largely discussed, and on a proposition to exclude slavery, the Vermont delegation in the House (Messrs. Crafts, Hunter, Merrill, Rich, and Richards,) favored it, while her Senators were divided, Mr. Tichenor voting to exclude slavery, and Mr. Palmer against it.[1] The subject was a very interesting one to the people of Vermont, and the political opponents of Senator Palmer were very willing to avail themselves of that opportunity for censure.[2] Among them was the late Hon. STEPHEN HAIGHT of Monkton, then and for many years an active and influential member of the General Assembly, and an ardent Federalist, but afterward a leader of the Jacksonian Democracy in the State, and Sergeant-at-Arms of the U. S. Senate. The record shows that Mr. Haight led in legislative action on this question:

IN GENERAL ASSEMBLY, November 8, 1819.

Mr. Haight introduced the following resolution, viz.

"*Resolved*, That a committee, consisting of four members, to join from Council, be appointed, to inquire into the expediency of adopting a memorial to Congress, soliciting that body to prohibit the further introduction of slavery into the territories of the United States, or to instruct our senators, and request our representatives in

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[1] Cluskey's *Political Text-Book*, pp. 327, 328.

[2] Oct. 25 1819, the Vermont Colonization Society was organized, at a large meeting consisting of members of the legislature, and other persons, without distinction of party, Governor Galusha in the chair. Its officers were selected from the ablest and best men of the State, and avowedly their purpose and expectation was to aid in the extinction of slavery. In the proclamation for a fast, issued on the next day, Gov. Galusha enjoined prayer to Almighty God, that He would "put down all tyranny and oppression, and open a way for the emancipation of all that degraded class of human beings, who are held in slavery, especially those in this highly favoured country."—See *Northern Sentinel* of Nov. 12 1819; and *post*, p. 540.

the Congress of the United States, to use their influence to prohibit the further extension of slavery over the territories of the United States, and that they report to this house as soon as may be."

Which was read and adopted.

Nov. 11.—The committee raised by resolution, to enquire into the expediency of adopting a memorial to Congress on the subject of slavery, and to instruct our representatives and senators in Congress, *made report* of the following resolution and preamble, viz.

"In General Assembly, November 11, 1819.

"The General Assembly of the State of Vermont view with deep concern the attempt to introduce slavery into the territories of the United States; and to legalize it in States to be admitted into the Union. They regard it as a measure manifestly tending to increase and perpetuate an evil of no ordinary magnitude and danger; of magnitude, as it deprives a portion of mankind of those privileges, which republican principle guarantees to all; of danger, as it may, and that possibly at no distant period, subject the master to the vengeance of the slave; and, as it will retain the physical force of the slave-holding States, for self preservation, when it may be most needed for national effort or defence. They regard it as tending to increase the number of slaves, as the extending their territories, and increasing their demand and value, will encourage the violation of all laws made to prohibit their importation; and as tending to perpetuate slavery, by adding the influence and power of States to be formed within our territories, which eventually may constitute a majority of the Union.

"They do not perceive that the plea of the necessity, on which the existence of slavery can alone be palliated, will extend to the territories of the United States, nor that the principle of compromise, that conceded to the slave-holding States, [applies to States] hereafter to be admitted into the Union. They cannot doubt, that the powers of Congress are adequate to the effective prohibition of the further introduction of slavery, that they have supreme power of legislation over the territories for all purposes of national concern, and that they are not bound to assent to the admission of any State into the Union, unless on such conditions as shall be consistent with the general welfare.

"The General Assembly do therefore resolve, that our senators be instructed, and our representatives in Congress be requested, to use their influence to prohibit the introduction of slavery in the territories of the United States, and to prevent its being legalized in any State hereafter to be admitted into the Union."

Which was read and adopted, and ordered to lie on the table.

Nov. 16.—The resolution reported relative to the further introduction of slavery, was called up, when Mr. West [Pres West of St. Johnsbury] moved that the resolution be dismissed, and, after debate, the motion prevailed, and the resolution was dismissed.[1]

The incongruity of this record, in postponing and dismissing a resolution which had been *adopted*, was noticed in Gov. Skinner's speech of 1820, and the occasion of his recommendation of further action on the subject. — See *ante*, p. 443. The fact, however, seems to be, that the error in the record was clerical, the report of the committee having been *accepted*, and ordered to lie for further action — not "adopted." The avowed reason for the dismissal of the resolution is probably to be found in the fact that on the 5th of November, three days before Mr. Haight introduced his resolution, the following had been adopted, in response to a petition of the Vermont Colonization Society, an association just then organized on avowed anti-slavery principles.[2]

"In General Assembly, November 5, 1819.

"Holding as sacred the great principle, "That all men are born equally free and independent, and have certain natural, inherent, and inalienable rights, among

[1] Printed *Assembly Journal* of 1819, pp. 139, 174, 212.

[2] See preceding page.

which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety:"

"*Resolved*, That, whilst this General Assembly deeply deplore the degraded and abject situation of the coloured population of the United States, and most sensibly feel a sympathy for the white population of the South, on whom, without their own procurement, is entailed a great calamity, it is with heartfelt satisfaction they witness the laudable and humane exertions of many good men from different sections of the country, especially from the middle and southern States, in establishing the American Colonization Society, for the purpose of colonizing the free people of colour of the United States, on the west coast of Africa, a measure wisely calculated, in the opinion of this General Assembly, to alleviate human woe, and eventually to secure this country from great and impending evils.

"*Resolved*, also, that this Assembly do most cordially approbate the recent organization of the Vermont Society, auxiliary to the Society aforesaid, and cheerfully recommend the same to the favourable consideration and encouragement of the good citizens of this State, confidently hoping that, under the guidance of a beneficent, all wise, overruling Providence, their benevolent exertions for the extension of human happiness may be crowned with abundant success.

"*Resolved*, also, That the senators of this State in the Congress of the United States be instructed, and the representatives requested, to exert their influence for the adoption of such measures as will more effectually promote the great and benevolent views and objects of the Society aforesaid; and use their best endeavours in support of all constitutional measures to prevent the further extension of that great national evil."

Which resolution was [resolutions were] read and adopted.[1]

Resolutions on the Missouri Question—1820.

Gov. Skinner called the attention of the Legislature to this question in the executive speech, referring to the action of the previous session; and this part of the speech, on motion of Hon. Chauncey Langdon, was referred to a committee of six members of the House, to join from Council. This committee consisted of Chauncey Langdon of Castleton, Moses Robinson of Bennington, Matthias S. Jones of Waitsfield, Benj. Miner jr. of Bridport, Isaac Fletcher of Lyndon, and William Gile of Leicester, of the House, and Lieut. Gov. Cahoon of the Council.[2] The Governor also transmitted resolutions of the Legislature of Virginia on the same subject, which were referred to the same committee. The report of the committee was as follows:

STATE OF VERMONT.

In General Assembly, November 15, 1820.

The Committee, to whom was referred so much of his excellency's speech as relates to the admission of Missouri into the Union, Report, That the history of nations demonstrates, that involuntary servitude not only plunges the slave into the depths of misery, but renders a great proportion of community dependent and wretched, and the remainder tyrannic and indolent. Opulence, acquired by the slavery of others, degenerates its possessors, and destroys the physical powers of government. Principles so degrading, are inconsistent with the primitive dignity of man, and his natural rights.

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[1] Printed *Assembly Journal* of 1819, p. 138; and printed *Laws of Vermont* of 1819, p. 45.

[2] Councillor Phelps was originally appointed, but he obtained leave of absence, when Councillor Wetmore was appointed; but he also obtained leave of absence, and the Lieut. Governor was appointed.

Slavery is incompatible with the vital principles of all free governments, and tends to their ruin. It paralyzes industry, the greatest source of national wealth, stifles the love of freedom, and endangers the safety of the nation. It is prohibited by the laws of nature, which are equally binding on governments and individuals. The right to introduce and establish slavery, in a free government, does not exist.

The declaration of Independence declares, as *self-evident truths*, "That all men are created equal—that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the [consent of the] governed: That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it."

The Constitution of the United States, and of the several States, have recognized these principles as the basis of their governments: and have expressly inhibited the introduction or extension of slavery, or impliedly disavowed the right. The power of Congress to require the prohibition of slavery in the constitution of a State, to be admitted as one of the United States, is confirmed by the admission of new States according to the ordinance of 1787, and by a constitutional "guarantee to every State in the Union of *a republican form of government.*" This power in Congress is also admitted in the act of March 6, 1820, which declares that in all that territory ceded, under the name of Louisiana, which lies north of 36 deg. 30 min. north latitude, "slavery and involuntary servitude shall be forever prohibited."

Where slavery existed in the States, at the time of the adoption of the constitution of the United States, a spirit of compromise, or painful necessity, may have excused its continuance, but can never justify its introduction into a State to be admitted from the territories of the United States.

Though slavery is not expressly prohibited by the constitution, yet that invaluable instrument contains powers, first principles, and self-evident truths, which bring us to the same result, and lead us to *liberty* and *justice*, and the *equal rights* of man, from which we ought never to depart. "In it is seen a deep and humiliating sense of slavery"—and a cheering hope that it would, at some future period, be abolished—and even a determination to do it.

It is apparent that servitude produces in the slave-holding States peculiar feelings, local attachments, and separate interests: and should it be extended into new States, "it will have a tendency to form a combination of power, which will control the measures of the general government;" and which cannot be resisted, except by the physical force of the nation.

The people of the United States adopted the constitution "to form a more perfect union of the several states, to establish justice, to secure domestic tranquility, provide for the common defence, promote the general welfare, and secure *the blessings of liberty;*" and have thereby blended and inseparably connected the interests, the safety and welfare of every State in the Union. We, therefore, become deeply concerned in the fundamental principles of the constitution of any new State to be admitted into the Union. Whatever powers are necessary to carry into effect the great objects of the Union, are implied in the constitution, and vested in the several departments of the general government.

The act of the United States, authorising a provisional admission of Missouri into the Union as a State, does not pledge the faith of government to admit, whatever may be its constitution or system of state government: for that constitution, by the act, must be republican, and not repugnant to the constitution of the United States.

From information, it is to be seriously apprehended that Missouri will present to Congress, for their approbation, a constitution which declares that "the General Assembly shall have *no power* to pass laws—First, for the emancipation of slaves, without the consent of their owners, or without paying them, before emancipation, a full equivalent for such slaves so emancipated"—and, "secondly," to prevent emigrants from bringing slaves into said State, so long as slavery is legalized therein. It is also made the imperious duty of its legislature to pass laws, as soon as may be, "To prevent free negroes and mulattoes from coming to, and settling in that State, under any pretence whatever."

These powers, restrictions, and provisions, to legalize and perpetuate slavery, and to prevent citizens of the United States, on account of their origin, color or features, from emigrating to Missouri, are repugnant to a republican government, and in direct violation of the constitution of the United States.

If Missouri be permitted to introduce and legalize slavery by her constitution, and we consent to her admission, we shall justly incur the charge of insincerity in our civil institutions, and in all our professions of attachment to liberty. It will bring upon the constitution and declaration of independence, a deep stain, which cannot be forgotten, or blotted out! "It will deeply affect the Union in its resources, political interests, and character."

The admission of another new State into the Union, with a constitution which guarantees security and protection to slavery, and the cruel and unnatural traffic of [in] any portion of the human race, will be an error which the Union cannot correct, and an evil which may endanger the freedom of the nation.

Congress never ought, and we trust never will, plant the standard of the Union in Missouri, to wave over the heads of involuntary slaves, "who have nothing they can call their own, except their sorrows and their sufferings," and a life beyond the grave —and who can never taste the sweets of liberty, unless they obtain it by force or by flight. Nor can a community, made up of masters and slaves, ever enjoy the blessings of liberty, and the benefits of a free government: these enjoyments are reserved for a community of freemen, who are subject to none, but to God, and the laws.

The committee therefore submit, for the consideration of the General Assembly, the following resolutions, viz.

Resolved, That, in the opinion of this legislature, slavery, or involuntary servitude, in any of the United States, is a moral and political evil, and that its continuance can be justified by necessity alone. That Congress has a right to inhibit any further introduction, or extension of slavery, as one of the conditions upon which any new State shall be admitted into the Union.

Resolved, That this legislature views with regret and alarm, the attempt of the inhabitants of Missouri to obtain admission into the Union as one of the United States, under a constitution which legalizes and secures the introduction and continuance of slavery—and also contains provisions to prevent freemen of the United States from emigrating to and settling in Missouri, on account of their origin, color and features. And that, in the opinion of this legislature, these principles, powers and restrictions, contained in the reputed [reported] constitution of Missouri, are anti-republican and repugnant to the constitution of the United States, and subversive of the unalienable rights of man.

Resolved, That the senators from this State in the Congress of the United States be instructed, and the Representatives requested, to exert their influence and use all legal measures to prevent the admission of Missouri, as a State, into the union of the United States, with those anti-republican features and powers in their constitution.

Resolved, That the Secretary of State be requested to transmit a copy of the foregoing report and resolutions to each of the Senators and Representatives from this State in the Congress of the United States.

The foregoing report and resolutions were agreed to by both houses without a division.[1]

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[1] Printed *Assembly Journal* of 1820, pp. 13, 23, 24, 155, 158, 239–243; and printed *Laws of Vermont* of 1820, pp. 48–52.

APPENDIX G.

RIGHTS OF THE RESPECTIVE STATES IN THE PUBLIC LANDS OF THE UNITED STATES.

In the Executive Speech of 1821, Gov. Skinner commented favorably upon propositions of Maryland and New Hampshire in respect to the rights of the several States in the public lands of the United States,[1] and the subject was referred to a committee consisting of Cornelius P. Van Ness of Burlington, David Edmond of Vergennes, Abner Weston of Randolph, Munnis Kenney of Townshend, of the House, and Henry Olin of the Council. The following report and resolutions resulted:

The Committee to whom was referred his Excellency's message, accompanied with a report of [and] sundry resolutions of the Legislature of the State of Maryland, relative to appropriations of public land for the purpose of education, and a report and sundry resolutions of the Legislature of the State of New Hampshire, on the same subject, beg leave to Report:

That they have attentively considered the said reports, and the resolutions respectively predicated thereon, and find them to contain the following principles, which, in the opinion of your committee, cannot be denied or resisted: —

That the public lands of the United States, whether acquired by force or by acts or deeds of cession from particular states, or by purchase from foreign governments, are the common property of the Union; and ought to be applied to the common use and benefit of all the states, in just proportions, and not to the use and benefit of any particular state, or states, to the exclusion of others; and that any such partial appropriation of them, for state purposes, is a violation of our national compact, as well as of the principles of just and sound policy: —

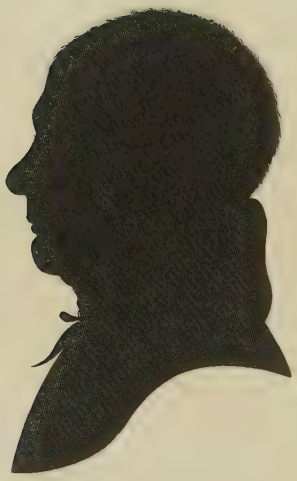
And that, as large appropriations of the public lands have been made by the United States—and, in the opinion of your committee, with perfect propriety—to certain particular states, for the purposes of education, the rights of the other states will be violated, unless a like appropriation be made to them, of the public lands, for the same purpose, in just proportion.

On these principles your committee fully agree with the Legislatures of the states of Maryland and New Hampshire, and believe the arguments detailed in the reports made to the Legislatures of those states, respectively, and particularly that from the state of Maryland, to be altogether unanswerable.

The reports and resolutions, referred to your committee, which have been published for the use of the General Assembly, so clearly and irresistibly elucidate and establish the principles maintained, that an attempt, on the present occasion, at further, or more ample discussion, would be superfluous.

They may be allowed, however, to suggest, that the claims of the state of Vermont may be urged, with as much justice, as those of any other state. The burdens

[1] See *ante*, p. 446.



Israel Smith

and sacrifices of the revolutionary war, which secured the sources of our national wealth, as well as our independence, were shared, in full proportion, by the people of this state. At the same time, as this state was not a member of the confederation, no indemnity was obtained from the United States, though, on its accession to the Union, it became subject, equally, with the other states, to the burden of the public debt.

Your committee recommend to the General Assembly the adoption of the following resolutions :[1]

All which is respectfully submitted by HENRY OLIN, *for Committee.*

IN GENERAL ASSEMBLY, Nov. 8, 1821.

Report accepted and resolutions adopted.

Attest, WILLIAM D. SMITH, *Clerk.*

IN COUNCIL, Nov. 9, 1821.

Read and Resolved to concur. R. TEMPLE, *Secretary.*[2]

ADDITIONS AND CORRECTIONS.

Gov. Israel Smith, Vol. v.—In connection with the biographical note, on page 147 of Vol. v, the editor intended to give a portrait of Gov. Smith, the existence of which he had learned from CHAUNCEY K. WILLIAMS, Esq., of Rutland, but was unable to find it until the present volume had been nearly completed. The portrait, of which an engraving is given herewith, proved to be a silhouette, which has been regarded as excellent by the descendants of the governor. Thanks for a photographic copy of the original are given to Miss JOANNA PRENTICE of Cleveland, Ohio, who is a niece of Gov. Smith, and to the Hon. SAMUEL B. PRENTISS of the same city, who has interested himself in the matter in behalf of his native State.

The editor has additional documents on the controversy of Vermont with New Hampshire, &c., which are necessarily deferred.

Vol. I, p. 158.—Note 3 is erroneous. The blank referred to should be filled with *Bennet Bardsley*. This correction is made from a copy of an extract from the original record, printed in the *North Star* of April 5, 1821.

P. 415, tenth line from the bottom, for allegations read *altercation.*

Vol. v, p. 441.—" Were" in the last line should be *was.*

Pp. 525–539.—Rev. H. A. Hazen, of Billerica, Mass., who has two original printed copies of this document, has kindly pointed out several errors in copying or printing. His letter has, however, been mislaid, and the following corrections are made, on Mr. Hazen's authority, by Rev. N. Bouton, of Concord, N. H., whose copy was used in volume five of this series:

P. 529, line 21, for " regal" read *royal.*

[1] For the resolutions see *ante*, p. 403.

[2] Printed *Assembly Journal* of 1821, p. 143 ; and printed *Laws of Vermont* of 1821, pp. 107–109.

P. 530, line 5 from the bottom above the notes, for "government" read *governor.*

P. 531, 14th line from the bottom above the note, for "sure" read *soon.*

P. 538, 27th line from the bottom, after the word "in" insert the words *the appointment of.*

There were other errors, in the division of paragraphs, but nothing that is deemed material, though all would be corrected here if Mr. Hazen's letter could be found.

CORRECTIONS IN VOL. VI.

P. 111, for "Arnold" read *Amos W. Dix.* An error of the Clerk of the House.

P. 137, for "Nathan" read *Nathaniel S. Russell.*

P. 152, for "John" read *Joseph Carter, jr.* An error of the Secretary of the Governor and Council.

P. 190, for "Jonathan" read *John Plastridge, jr.;* and for "Wm. Smith" read *Wm. Smith, jr.* Both errors of the Secretary of the Governor and Council.

P. 221, "Benjamin Martin" should be *Benjamin Martin, jr.* An error of the Secretary of the Governor and Council.

P. 228, "N. Sutton" should be *U. Sutton,* and "D. Robinson" should be *D. Robinson, jr.*

P. 261, "E. D. Forest" should be *Elihu DeForest.*

P. 267, "Wm. Lee" should be *Wm. C. Lee.* An error of the Secretary of the Governor and Council.

P. 273, "Pearson True" should be *Pearson R. True.* An error of the Secretary of the Governor and Council.

P. 274, "Henry Buell" should be *Harry Buell.*

P. 291, "James Andrews, jr." should be *James Andrus, jr.*

P. 296, "Freeman Squires" should be *Truman Squier.* An error of the Secretary of the Governor and Council.

P. 305, "Edmund C. Hovey" should be *Edward C. Hovey.*

P. 314, "Jacob Jennes" should be *Joab Jenness,* and "Hiram Kizer" should be *Hiram Kirzan.*

P. 325, "Samuel Walker" should be *Simeon Walker.*

P. 336, and elsewhere, "Jabez Delano" should be *Jabesh Delano.*

P. 338, "Joshua Cutter" should be *Josiah Cutler.*

P. 361, "Tilly H. Cleasley" should be *Tilly H. Cleasby,* and "Rufus Green" should be *Rufus H. Green.*

P. 380, "Peter N. Quackenbush" should be *Peter A. Quackenbush.*

P. 384, 19th line from the bottom, "Mr. Dana" should be *Mr. Wetmore.* An error of the Secretary of the Governor and Council.

P. 490, 9th line from the top, *Nathan S. Hinds* should be added to the list of missing; and "Capt. Benj. F. Egerton" should be *Capt. Benj. S. Egerton.*

P. 511, Ensign "Bradford" was probably *Elias Bedford.*

P. 520.—In the references to the histories of the battles of Plattsburgh, *Palmer's Lake Champlain,* which is frequently referred to, was accidently omitted.

P. 530, Lieut. "Mountford" should be *Mountfort.* An error of the official report.

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